TWO

TREATISES

OF

Government:

In the former,

The *false Principles*, and *Foundation*

OF

Sir *ROBERT FILMER*,

And his FOLLOWERS,

ARE

Detected and Overthrown.

The latter is an

ESSAY

CONCERNING THE

True Original, Extent, and End

OF

Civil Government.

LONDON,

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THE PREFACE.

Reader,

THou haſt here the Beginning and End of a Diſcourſe, concerning Government; what Fate has otherwiſe diſpoſed of the Papers that ſhould have filled up the middle, and were more than all the reſt, 'tis not worth while to tell thee. Theſe, which remain, I hope, are ſufficient to eſtabliſh the Throne of our great Reſtorer, Our preſent King *William*; to make good his Title, in the Conſent of the People, which being the only one, of all lawful Governments, he has more fully and clearly than any Prince in *Chriſtendom*. And to juſtifie to the World, the People of *England*, whoſe love of their juſt and natural Rights,

with their Reſolution to preſerve them, ſaved the Nation, when it was on the very brink of Slavery and Ruine. If theſe Papers have that evidence, I flatter my ſelf, is to be found in them, there will be no great miſs of thoſe which are loſt, and my Reader may be ſatisfied without them. For I imagine I ſhall have neither the time, nor inclination to repeat my Pains, and fill up the wanting part of my Anſwer, by tracing Sir *Robert* again, through all the Windings and Obſcurities which are to be met with in the ſeveral Branches of his wonderful Syſteme. The King, and Body of the Nation, have ſince ſo throughly confuted his *Hypotheſis*, that, I ſuppoſe, no Body hereafter will have either the Confidence to appear againſt our common Safety, and be again an Advocate for Slavery; or the Weakneſs to be deceived with Contradictions dreſſed up in a popular Stile, and well turned

ed Periods. For if any one will be at the Pains himſelf, in thoſe Parts which are here untouched, to ſtrip Sir *Robert's* Diſcourſes of the Flouriſh of doubtful Expreſſions, and endeavour to reduce his Words to direct, poſitive, intelligible Propoſitions, and then compare them one with another, he will quickly be ſatisfied, there was never ſo much glib Nonſenſe put together in well ſounding *Engliſh*. If he think it not worth while, to examine his Works all through, let him make an Experiment in that Part where he treats of Uſurpation; and let him try whether he can, with all his Skill, make Sir *Robert* intelligible, and conſiſtent with himſelf, or common ſenſe. I ſhould not ſpeak ſo plainly of a Gentleman, long ſince paſt anſwering, had not the Pulpit, of late Years, publickly owned his Doctrine, and made it the Currant Divinity of the Times. 'Tis neceſſary thoſe Men,

who, taking on them to be Teachers, have ſo dangerouſly miſ-led others, ſhould be openly ſhewed of what Authority their Patriarch, whom they have followed, is, or ought to be; that ſo they may either recant what, upon ſo ill Grounds, they have vented, or juſtifie his Opinions. For I ſhould not have writ againſt Sir *Robert*, or taken the pains to ſhew his Miſtakes, Inconſiſtencies, and want of (what he ſo much boaſts of, and pretends wholly to build on) Scripture-Proofs, were there not Men amongſt us, who, by crying up his Books, and eſpouſing his Doctrine, ſave me from the Reproach of writing againſt a dead Adverſary. They have been ſo zealous in this Point, that if I have done him any wrong, I cannot hope they ſhould ſpare me. I wiſh, where they have done the Truth and the Publick wrong, (there being ſcarce a greater miſchief to Prince and People, than

the

the propagating wrong Notions concerning Government) they would be as ready to redreſs it. And that all times might not have reaſon to complain of the *Drum Eccleſiaſtick*. If any one, concerned really for Truth, undertake the Confutation of my *Hypotheſis*, I promiſe him either to recant my miſtake, upon fair Conviction; or to anſwer his difficulties. But he muſt remember two Things: *Firſt*, That cavilling here and there, at ſome Expreſſion, or little Incident of my Diſcourſe, is not an Anſwer to my Book. *Secondly*, That I ſhall not take Railing for Arguments, nor think either of theſe worth my notice. Though I ſhall always look on my ſelf as bound to give ſatisfaction to any one, who ſhall appear to be conſcientiouſly ſcrupulous in the point, and ſhall ſhew any juſt Grounds for his Scruples.

I have

I have nothing more, but to advertise the Reader, that

A. *stands for our Authour,*

O. *For his Observations on* Hobbs, Milton, &c.

And that a bare Quotation of Pages always means Pages of his Patriarcha.

THE

THE CONTENTS of BOOK I.

Chap. I. THE *Introduction* p. 1.
Chap. II. *Of Paternal, and Regal Power* p. 6.
Chap. III. *Of* Adam's *Title to Sovereignty, by Creation* p. 18.
Chap. IV. *Of* Adam's *Title to Sovereignty, by Donation,* Gen. 1. 28. p. 27.
Chap. V. *Of* Adam's *Title to Sovereignty, by the Subjection of* Eve p. 55.
Chap. VI. *Of* Adam's *Title to Sovereignty, by Fatherhood* p. 64.
Chap. VII. *Of Father-hood and Propriety, consider'd together as fountains of Sovereignty* p. 94.
Chap. VIII. *Of the Conveyance of* Adam's *Sovereign, Monarchical Power* p. 103.
Chap. IX. *Of Monarchy, by Inheritance from* Adam p. 107.
Chap. X. *Of the Heir to Monarchical Power of* Adam p. 132.
Chap. XI. *Who Heir* p. 136.

THE CONTENTS of BOOK II.

Chap. I. THE *Introduction* p. 217.
Chap. II. *Of the State of Nature* p. 220.

Chap.

The CONTENTS.

Chap. III. *Of the State of War* p. 235.
Chap. IV. *Of Slavery* p. 241.
Chap. V. *Of Property* p. 243.
Chap. VI. *Of Paternal Power* p. 271.
Chap. VII. *Of Political, or Civil Society* p. 297.
Chap. VIII. *Of the Beginning of Political Societies* p. 316.
Chap. IX. *Of the Ends of Political Society, and Government* p. 345.
Chap. X. *Of the Forms of a Commonwealth* p. 351.
Chap. XI. *Of the Extent of the Legislative Power* p. 353.
Chap. XII. *Of the Legislative, Executive, and Federative Power of the Commonwealth* p. 365.
Chap. XIII. *Of the Subordination of the Powers of the Commonwealth* p. 369.
Chap. XIV. *Of Prerogative* p. 382.
Chap. XV. *Of Paternal, Political, and Despotical Power, considered together* p. 392.
Chap. XVI. *Of Conquest* p. 397.
Chap. XVII. *Of Usurpation* p. 418.
Chap. XVIII. *Of Tyranny* p. 420.
Chap. XIX. *Of the Dissolution of Governments* p. 432.

The End of the Contents.

BOOK

BOOK I.

CHAP. I.

§. 1. SLavery is so vile and miserable an Estate of Man, and so directly opposite to the generous temper and courage of our Nation; that 'tis hardly to be conceived, that an *Englishman*, much less a *Gentleman*, should plead for't. And truly I should have taken this as any other Treatise, which would perswade all Men, that they are Slaves and ought to be so; for such an other exercise of Wit, as was his who writ the Encomium of *Nero*, rather than for a serious Discourse meant in earnest, had not the gravity of the Title and Epistle, the Picture in the Front of Sr. *Rbts*, Book, and the applause that followed it, required me to believe that the Author and Publisher were both in earnest, I therefore took the *Patriarcha* of Sr. *R. Filmer* into my hands with all the expectation, and read it through with all the attention due to a Treatise, that made such a noise at it's coming abroad, and can-

not but confeſs my ſelf mightily ſurpriſed, that in a Book which was to provide Chains for all mankind, I ſhould find nothing but a Rope of Sand uſeful perhaps to ſuch whoſe skill and buſineſs it is to raiſe a duſt, and would blind the People the better to miſlead them, but is not of any force to draw thoſe into Bondage, who have their Eyes open and ſo much Senſe about them, as to conſider that Chains are but an ill wearing, how much care ſoever hath been taken to file and poliſh them.

§. 2. If any one think I take too much liberty in ſpeaking ſo freely of a Man who is the great Champion of abſolute Power, and the Idol of thoſe who worſhip it; I beſeech him to make this ſmall allowance for once, to one, who even after the reading of *Roberts* Book, cannot but think himſelf as the Laws allow him a Freeman, and I know no fault it is to do ſo, unleſs any one better skill'd in the Fate of it than I, ſhould have it revealed to him, that this Treatiſe which has lain dormant ſo long, was when it appeared in the World to carry by ſtrength of its Arguments, all Liberty out of it, and that from thence forth our Authors ſhort model was to be the pattern in the Mount and the perfect Standard of Politics for the future.

future. His Syſtem lies in a little compaſs 'tis no more but this,

That all Government is abſolute Monarchy, and the ground he builds on is this,

That no Man is born free?

3. Since there have been a generation of Men ſprung up in the World that would flatter Princes with an Opinion that they have a Divine Right to abſolute Power, let the Laws by which they are conſtituted and are to govern, and the Conditions under which they enter upon their Authority, be what they will, and their engagements to obſerve them never ſo well ratified by ſolemn Oaths and Promiſes, they have denied Mankind a Right, to natural Freedom, whereby they have not only as much as in them lies expos'd all Subjects to the utmoſt Miſery of Tyranny and Oppreſſion, but have alſo ſo unſettled the Titles, and ſhaken the Thrones of Princes. (For they too, by theſe Men's Doctrin, except only one, are all born Slaves, and by divine Right are Subjects to *Adam's* right Heir) as if they had deſign'd to make War upon all Government, and ſubvert the very Foundations of Human Society.

4. However we must believe them upon their own bare words, when they tell us we are all born Slaves and there is no remedy for it, we must continue so; Life and Thraldom we entered into together, and can never be quit of the one, till we part with the other, though I do not find Scripture or Reason any where say so, however these Men would perswade us that Divine Authority hath subjected us to the unlimited Will of another. An admirable State of Mankind, and that which they have not had wit enough to find out till this latter Age. For however Sr. *Rob. Filmer* seems to condemn the Novelty of the contrary Opinion, *Patr. p.* 3. yet I believe it will be hard for him to find any other Age or Country of the World, but this which have asserted Monarchy to be *Jure Divino.* And he confesses *Patr. p.* 4. That *Heyward, Blackwood, Barclay and others that have bravely vindicated the Right of Kings in most Points,* never thought of this, *but with one Consent admitted the Natural Liberty and Equality of Mankind.*

By whom this Doctrine came at first to be broach'd and brought in fashion amongst us, and what sad Effects it gave rise to, I leave to *Historians* to relate or the Memory of those who were Contemporaries with *Sibthorp* and *Manwering* to recol-

recolect my buſineſs at preſent, being only to conſider what Sr. *R. F.* who is allowed to have carried this Argument fartheſt, and is ſuppoſed to have brought it to perfection, has ſaid in it; For from him every one who would be as fashionable as *French* was at Court, has learned and runs away with this ſhort Syſtem of Politics, *viz.* Men are not born free, and therefore could never have the liberty to chooſe either Governors or Forms of Government, Princes have their Power Abſolute and by Divine Right, for Slaves could never have a right to Compact or Conſent; *Adam* was an abſolute Monarch, and ſo are all Princes ever ſince.

CHAP. II.

Of Paternal and Regal Power.

6. SIR R. F's great Position is, that *Men are not naturally free*, this is the Foundation on which his absolute Monarchy stands, and from which it erects it self to an height that it's Power is above every Power, *Caput inter nubila*, so high above all earthly and human Things, that thought can scarce reach it, that Promises and Oaths which tye the Infinite Deity, cannot confine it. But if this Foundation fails, all his Fabric falls with it, and Governments must be left again to the old way of being made by contrivance and the consent of Men (*εὐθυμίᾳ κἀπὸ τύχης*) making use of their reason to unite together into Society. To prove this grand Position of his, he tells us, *p.* 12. *Men are born in subjection to their Parents*, and therefore cannot be free. And this Authority of Parents, he calls *Royal Authority*, p. 12, 14. *Fatherly Authority*, *Right of Fatherhood*, p. 12, 20. one would have thought he would in the beginning of such a Work as this, on which was to depend the Authority of Princes and the Obedience of Subjects, have told us expresly what that Fatherly Authority is, have defined it, though not limited

limited it, because in some other Treatises of his, he tells us 'tis unlimited, and unlimitable, he should at least have given us such an account of it, * that we might have had an entire Notion of this *Fatherhood* or *Fatherly Authority* when ever it came in our way in his Writings. This I expected to have found in the first Chapter of his *Patriarcha*. But † instead there of having, 1. *en Passant* made his Obeysance to the *Arcana imperii*, p. 5. 2° made his Complement to the *Rights and Liberties of this or any other Nation*, p. 6. which he is going presently to null and destroy; And 3° made his Leg to those Learned Men who did not see so far into the Matter as himself, p. 7. he comes to fall on *Bellarmine*, p. 8. and by a Victory over him, Establishes his *Fatherly Authority* beyond any question; *Bellarmine* being routed by his own Confession, p. 11. the day is clear got, and there is no more need of any Forces: For having done that, I observe not that he states the Question or rallies up any Arguments to make good his Opinion, but rather tells

* *In Grants and Gifts that have their Original from God or Nature, as the Power of the Father hath, no inferior Power of Man can limit nor make any Law of prescription against them*, O. 158.

† *The Scripture teaches that Supreme Power was Originally in the Father without any limitation*, O. 245.

ns the Story as he thinks fit of this ſtrange kind of domineering Phantom, called the *Fatherhood*, which whoever could catch preſently got Empire and unlimited abſolute Power. He aſſures us how this *Fatherhood* began in *Adam*, continued it's courſe, and kept the World in order all the time of the *Patriarchs* till the Flood, got out of the Arch with *Noah* and his Sons, made and ſupported all the Kings of the Earth till the Captivity of the *Iſraelites* in *Egypt*, and then the poor *Fatherhood* was under hatches till *God by giving the Iſraelites Kings, Re-eſtabliſhed the Ancient and prime Right of the lineal Succeſſion in paternal Government.* This is his buſineſs from *p.* 12 to 19. And then obviating an Objection, and clearing a Difficulty or two with one half reaſon, *p.* 23. *to confirm the Natural Right of Regal Power*, he ends the firſt Chapter. I hope 'tis no Injury to call an half Quotation an half Reaſon, for God ſays, *Honour thy Father and Mother*, but our Author contents himſelf with half, leaves out *thy Mother* quite, as little ſerviceable to his purpoſe, but of that more in an other place.

7 I do not think our Author ſo little skill'd in the way of Writing Diſcourſes of this Nature, nor ſo careleſs of the Point in hand, that he by overſight commits the fault that he

he himſelf in his *Anarchy of a mix'd Monarchy*, *p.* 239. Objects to Mr. *Hunton* in theſe words. *Where firſt I charge the* A *that he hath not given us any Definition or Diſcription of Monarchy in general, for by the Rules of Method*, he ſhould have firſt defin'd. And by the like Rule of Method Sr. *Rob.* ſhould have told us, what his *Fatherhood* or *Fatherly Authority* is before he had told us, in whom it was to be found and talked ſo much of it. But perhaps Sr. *Rob.* found that this *Fatherly Authority*, this Power of Fathers and of Kings, for he makes them both the ſame, *p.* 24. would make a very odd and frightful Figure, and very diſagreeing, with what either Children imagin of their Parents, or Subjects of their Kings, if he ſhould have given us the whole draught together in that Gigantic Form, he had Painted it in his own Phancy, and therefore like a wary Phyſician, when he would have his Patient ſwallow ſome harſh or *Corroſive Liquor*, he mingles it with a large quantity of that, which may delute it; that the ſcatter'd Parts may go down with leſs feeling and cauſe leſs Averſion.

8. Let us then endeavour to find what account he gives us of this *Fatherly Authority*, as it lies ſcatter'd in the ſeveral Parts of his Writings. And firſt as it was

deveſt

vested in *Adam*, he says *not only Adam, but the succeeding Patriarchs, had by Right of Fatherhood, Royal Authority over their Children*, p. 12. *This Lordship which Adam by Command had over the whole World, and by right descending from him, the Patriarchs did injoy; was as large and ample as the Absolute Dominion of any Monarch, which hath been since the Creation.* p. 13. *Dominion of Life and Death; making War and concluding Peace*, p. 13. *Adam and the Patriarchs had Absolute Power of Life and Death*, p. 35. *Kings in the right of Parents, succeed to the Exercise of supream jurisdiction.* p. 19. *As Kingly Power is by the Law of God, so it hath no inferior Law to Limit it*, Adam was Lord of all, p. 40. *The Father of a Family governs by no other Law, then by his own will*, p. 78. *The Superiority of Princes is above Laws*, p. 79. *The unlimited jurisdiction of Kings, is so amply described by Samuel.* p. 80. *Kings are above the Laws.* p. 93. And to this purpose see a great deal more which our A—delivers in *Bodin's* words. *It is certain that all Laws, Priviledges and Grants of Princes have no Force, but during their Life; if they be not ratified by the express Consent or by sufferance of the Prince following especially Priviledges.* O. p. 279. *The reason why Laws have been also made by Kings, was this;*

when

when Kings were either buſied with Wars, or diſtracted with Public Cares, ſo that every private Man, could not have Acceſs to their Perſons, to learn their Wills and Pleaſure, then were Laws of neceſſity invented, that ſo every particular Subject, might find his Princes Pleaſure Decypher'd unto him in the Tables of his Laws. p. 92. *In a Monarchy, the King muſt by neceſſity be above the Laws,* p. 100. *A perfect Kingdom is that, wherein the King Rules all things according to his own Will,* p. 100. *Neither Common nor Statute Laws, are or can be any Diminution of that General Power, which Kings have over their People by right of Fatherhood,* p. 115. *Adam was the Father, King and Lord over his Family, a Son, a Subject and a Servant or Slave, were one and the ſame thing at firſt. The Father had Power to diſpoſe or ſell his Children or Servants, whence we find that at the firſt reckoning up of Goods in Scripture, the Man-ſervant and the Maid-ſervant, are numbred among the Poſſeſſions, and ſubſtance of the Owner, as other Goods were. O prof. God alſo hath given to the Father a Right or Liberty, to alien his Power over his Children; to any other whence we find the Sale and Gift of Children, to have been much in uſe, in in the Beginning of the World, when Men had their Servants for a Poſſeſſion and an Inheritance, as well as other Goods, whereupon*

we

we find the Power of Caſtrating and making Eunuchs much in uſe in Old times. O. p. 155. *Law is nothing elſe but the will of him, that hath the Power of the Supream Father,* O. p. 223. *It was Gods Ordinance, that Supremacy ſhould be unlimited in Adam, and as large as all the Acts of his Will, and as in him, ſo in all others that have Supream Power.* O. p. 245.

9. I have been fain to trouble my Reader, with theſe ſeveral Quotations in our *A--s* own words, that in them might be ſeen his own Diſcription, of his *Fatherly Authority*, as it lies ſcatter'd up and down in his Writings, which he ſuppoſes was firſt veſted in *Adam*, and by Right, belongs to all Princes ever ſince. This *Fatherly Authority* then or *Right of Fatherhood*, in our A--s ſence is a Divine unalterable Right of Sovereignty, whereby a Father or a Prince, hath an Abſolute Arbitrary unlimited and unlimitable Power, over the Lives, Libertys, and Eſtates of his Children or Subjects, ſo that he may take or alienate their Eſtates, ſell, caſtrate, or uſe their Perſons as he pleaſes, they being all his ſlaves, and he Lord and Proprietor of every thing, and his unbounded Will their Law.

10. Our A-- having placed ſuch a mighty Power in *Adam*, and upon that ſuppoſition,

ſuppoſition, founded all Government, and all Power of Princes, it is reaſonable to expect, that he ſhould have proved this with Arguments clear and evident, ſuitable to the weightineſs of the Cauſe. That ſince Men had nothing elſe left them; they might in ſlavery had ſuch undeniable Proofs of its neceſſity, that their conſciences might be convinced, and oblige them to ſubmit peaceably to that Abſolute Dominion, which their Governors had a Right to Exerciſe over them, without this; what good could our A-- do, or pretend to do, by erecting ſuch an unlimited Power, but flatter the Natural Vanity and Ambition of Men, too apt of its ſelf to grow and increaſe, with the Poſſeſſion of any Power? And by perſwading thoſe, who by the conſent of their fellow Men are advanced to great, but limited degrees of it, that by that Part which is given them, they have a Right to all that was not ſo, and therefore may do what they pleaſe, becauſe they have Authority to do more then others, and ſo tempt them to do what is neither for their own, nor the good of thoſe under their Care, whereby great miſcheifs cannot but follow.

11. The Sovereignty of *Adam*, being that on which as a ſure baſis, our A--builds his

his Mighty Abſolute Monarchy, I expected that in his *Patriarcha*, this his main ſuppoſition would have been proved and eſtabliſhed, with all that evidence of Arguments, that ſuch a Fundamental Tenet required, and that this on which the great ſtreſs of the buſineſs depends, would have been made out with reaſons ſufficient to juſtifie the confidence, with which it was aſſumed. But in all that Treatiſe, I could find very little tending that way; the thing is there ſo taken for granted without Proof, that I could ſcarce believe my ſelf, when upon attentive Reading that Treatiſe, I found there ſo mighty a Structure, rais'd upon the bare ſuppoſition of this Foundation; for it is ſcarce credible, that in a Diſcourſe where he pretends to confute, the *Erroneous Principle* of Mans *Natural Freedom*, he does it by a bare ſuppoſition of *Adams Authority*, without offering any Proof for that *Authority*. Indeed he confidently ſays, that *Adam had Royal Authority*. p. 12, and 13. *Abſolute Lordſhip and Dominion of life and death*, p. 13. *An Univerſal Monarchy*, p. 33. *Abſolute Power of life and death*, p. 35. He is very frequent in ſuch Aſſertions, but what is ſtrange in all his whole *Patriarcha*, I find not one pretence of a reaſon, to Eſtabliſh this his great Foundation of Government; not any

any thing that looks like an Argument, but these words; *To confirm this Natural Right of Regal Power, we find in the Decalogue, that the Law which injoyns Obedience to Kings, is delivered in the Terms, Honour thy Father, as if all Power were Originally in the Father.* And why may I not add as well, that in the Decalogue, the Law that injoyns obedience to Queens, is delivered in the Terms of *Honour thy Mother*, as if all Power were Originally in the Mother? The Argument as Sr. *Rob.* puts it, will hold as well for one as tother, but of this more in its due place.

12. All that I take notice of here, is that this is all our A-- says in this first, or any of the following Chapters, to prove the *Absolute Power of Adam*, which is his great Principle, and yet as if he had there settled it upon sure Demonstration, he begins his 2d. Chapter with these words, *by Confering these Proofs and Reasons, drawn from the Authority of the Scripture.* Where those *Proofs and Reasons* for *Adams* Sovereignty, are, bateing that of *Honour thy Father* above mentioned, I confess, I cannot find unless what he says, *p.* 11. *In these words we have an evident Confession*, viz. *of Belarmin, that Creation made Man Prince of his Posterity*, must be taken for Proofs and Reasons drawn from Scripture, or for

any

any ſort of Proofs at all: though from thence by a new way of inference in the words, immediately following, *And indeed* he concludes) *the Royal Authority of Adam*, ſufficiently ſettled in him.

13. If he has in that Chapter, or any where in the whole Treatiſe, given any other Proofs of *Adams Royal Authority*, other then by often repeating it, which among ſome Men goes for Argument, I deſire any body for him to ſhew me the Place and Page, that I may be convinced of my miſtake, and acknowledge my overſight. If no ſuch Arguments are to be found, I beſeech thoſe Men, who have ſo much cryed up this Book, to conſider whether they do not give the World cauſe to ſuſpect, that 'tis not the Force of Reaſon and Argument, that makes them for Abſolute Monarchy, but ſome other by intereſt, and therefore are reſolved to applaud any Author, that writes in Favour of this Doctrin, whether he ſupport it with reaſon or no. But I hope they do not expect that rational and indifferent Men ſhould be brought over to their Opinion, becauſe this their great Dr. of it, in a Diſcourſe made on purpoſe, to ſet up the *Abſolute Monarchical Power of Adam*, in oppoſition to the *Natural Freedom* of Mankind, has ſaid ſo little to prove it, from whence

whence it is rather naturally to be concluded that there is little to be ſaid.

14. But that I might omit no care to inform my ſelf in our *A---s* full Senſe, I conſulted his *Obſervations on Ariſtotle, Hobs, &c.* To ſee whether in diſputing with others he made uſe of any Arguments, for this his Darling Tenet of *Adam's Sovereignty*, ſince in his Treatiſe of the *Natural Power of Kings*, he had been ſo ſparing of them: And in his Obſervations on Mr. *Hobs*'s *Leviathan* I think he has put in ſhort, all thoſe Arguments for it together, which in his Writings I find him any where to make uſe of, his Words are theſe. *If God Created only Adam, and of a piece of him made the Woman, and if by Generation from them two, as parts of them all Mankind be propagated: If alſo God gave to* Adam *not only the Dominion over the Woman and the Children that ſhould Iſſue from them, but alſo over the whole Earth to ſubdue it, and over all the Creatures on it, ſo that as long as* Adam *lived, no Man could claim or enjoy any thing but by Donation, Aſſignation or Permiſſion from him, I wonder,* &c. *O.* 165. Here we have the Sum of all his Arguments, for *Adams Sovereignty* and againſt *Natural Freedom*, which I find up and down in his other Treatiſes, which are theſe following, *Gods*

Creation of *Adam*, the *Dominion* he gave him *over Eve*: And the *Dominion* he had as *Father over his Children*, all which I ſhall particularly conſider.

CHAP. III.

Of Adams *Title to Sovereignty by Creation.*

15. SIR *Rob.* in his Preface to his Obſervations on *Ariſtotle's* Politics tells us, *A Natural Freedom of Mankind cannot be ſuppoſed without the denial of the Creation of* Adam; but how *Adams* being Created, which was nothing but his receiving a Being immediately from Omnipotency, and the hand of God, gave *Adam* a *Sovereignty* over any thing, I cannot ſee, nor conſequently underſtand how a *Suppoſition of natural Freedom is a denial of* Adams *Creation*, and would be glad any body elſe (ſince our *A---* did not vouchſafe us the favour) would make it out for him: for I find no difficulty to ſuppoſe the *Freedom of Mankind*, though I have always believed the *Creation of Adam*; He was Created or began to exiſt by Gods immediate

diate Power, without the Intervention of Parents or the pre existence of any of the ſame Species to beget him, when it pleaſed God he ſhould, and ſo did the Lyon, the King of Beaſts before him, by the ſame Creating Power of God, and if bare exiſtence by that Power, and in that way, will give Dominion without any more adoe, our *A*--- by this Argument will make the Lion have as good a Title to it as he, and certainly the Ancienter. No! for *Adam* had his Title *by the appointment of God*, ſays our *A*- in another place. Then bare *Creation* gave him not Dominion, and one might have *ſuppoſed Mankind Free* without *denying the Creation of Adam*, ſince 'twas Gods *Appointment* made him Monarch.

16. But let us ſee how he puts *his Creation* and this *Appointment* together. *By the appointment of God*, ſays Sir *Rbt. as ſoon as* Adam *was Created he was Monarch of the World, though he had no Subjects, for though there could not be actual Government till there were Subjects, yet by the Right of Nature it was due to* Adam *to be Governour of his Poſterity, though not in act, yet at leaſt in habit*, Adam *was a King from his Creation*, I wiſh he had told us here what he meant *by Gods appointment*. For whatſoever Providence orders, or the Law of

Nature directs, or positive Revelation declares, may be said to be *by Gods appointment*, but I suppose it cannot be meant here in the first Sense, *i.e.* by providence; because that would be to say no more, but that *as soon as Adam was Created* he was *de facto* Monarch, because *by Right of Nature it was due to* Adam, *to be Governour of his Posterity*. But he could not *de facto* be by providence Constituted the Governour of the World at a time, when there was actually no Government, no Subjects to be governed, which our *A*-- here confesses. *Monarch of the World* is also differently used by our Author, for sometimes he means by it a Proprietor of all the World exclusive of the rest of Mankind, and thus he does in the same page of his Preface before cited, *Adam* says he *being Commanded to Multiply and People the Earth and to subdue it, and having Dominion given him over all Creatures, was thereby the Monarch of the whole World, none of his Posterity had any Right to possess any thing but by his Grant or Permission or by Succession from him*, 2° Let us understand then by *Monarch* Proprietor *of the World*, and by *Appointment* Gods actual Donation, and revealed positive Grant made to *Adam*, 1 *Gen.* 28. as we see Sir *Robt.* himself does in this parallel place, and then his Argument

ment will ſtand thus, *by the poſitive Grant of God*; *As ſoon as* Adam *was Created, he was Proprietor of the World, becauſe by the Right of Nature it was due to* Adam *to be Governour of his Poſterity*, in which way of arguing there are two manifeſt Falſehoods. *Firſt*, it is falſe that God made that Grant to *Adam*, as ſoon as he was Created, ſince though it ſtands in the Text immediately after his Creation, yet it is plain it could not be ſpoken to *Adam* till after *Eve* was made and brought to him, and how then could he be *Monarch by appointment as ſoon as Created*, eſpecially ſince he calls, if I miſtake not, that which God ſays to *Eve*, 3 *Gen.* 16. *The original Grant of Government*, which not being till after the fall, when *Adam* was ſomewhat, at leaſt in time and very much, diſtant in condition, from his *Creation*, I cannot ſee, how our *A* can ſay in this Senſe, that *by Gods appointment as ſoon as* Adam *was Created he was Monarch of the World*. *Secondly*, were it true that Gods actual Donation *appointed* Adam *Monarch of the World as ſoon as he was Created*, yet the Reaſon here given for it would not prove it, but it would always be a falſe Inference that God by a poſitive Donation *appointed* Adam *Monarch of the World, becauſe by Right of Nature it was due to* Adam *to*

be Governour of his Posterity; for having given him the Right of Government by Nature, there was no need of a positive Donation, at least it will never be a proof of such a Donation.

17. On the other side the Matter will not be much mended, if we understand *by Gods appointment* the Law of Nature (though it be a pretty harsh Expression for it, in this place) and *by Monarch of the World*, Sovereign Ruler of Mankind; for then the Sentence under consideration must run thus. *By the Law of Nature, as soon as* Adam *was Created he was Governour of Mankind, for by Right of Nature it was due to* Adam *to be Governour of his Posterity*, which amounts to this, he was *Governour by Right of Nature*, because he was *Governour by Right of Nature*; But supposing we should grant that a Man is *by Nature Governour* of his Children, *Adam* could not hereby *be Monarch as soon as Created*, for this Right of Nature being founded in his being their Father, how *Adam* could have a *Natural Right* to be *Governour* before he was a Father, by which only he had that *Right*, is, methinks, hard to conceive unless he will have him to be a Father before he was a Father, and to have a Title before he had it.

18. To

18. To this foreſeen Objection, our *A*- anſwers very logically, *he was Governour in Habit and not in Act*: A very pretty way of being a Governour without Government, a Father without Children, and a King without Subjects. And thus Sir *Robt.* was an Author before he writ his Book, not *in Act* 'tis true, but *in Habit*, for when he had once Publiſh'd, it was due to him *by the Right of Nature*, to be an Author as much as it was *to Adam to be Governour of his Children* when he had begot them; And if to be ſuch a *Monarch of the World*, an abſolute Monarch *in Habit but not in Act* will ſerve the turn: I ſhould not much envy it to any of Sir *Robts.* Friends that he thought fit graciouſly to beſtow it upon, though even this of *Act* and *Habit*, if it ſignified any thing but our *A-'s* skill in deſtinctions, be not to his purpoſe in this place; for the queſtion is not here about *Adams* actual Exerciſe of Government, but actually having a Title to be Governour, Government ſays our *A-* was *due to* Adam *by the Right of Nature*, what is this Right of Nature, a Right Fathers have over their Children by begetting them, *Generatione jus acquiritur parentibus in liberos*, ſays our *A-* out of *Grotius*, *O.* 223. The right then follows the begetting as ariſing from it, ſo that according to this way of

reasoning or distinguishing of our *A-, Adam* as soon as he was Created, had a Title only *in Habit and not in Act*, which in plain English is he had actually no Title at all.

19. To speak less Learnedly and more Intelligibly, one may say of *Adam* he was in a possibility of being *Governour*, since it was possible he might beget Children and thereby acquire that Right of Nature, be it what it will to govern them that accrues from thence, but what Connection this has with *Adams Creation* to make him say, that *as soon as he was Created he was Monarch of the World*; for it may be as well said of *Noah*, that as soon as he was born he was Monarch of the World, since he was in possibility; which in our *A-s* Sense is enough to make a Monarch, *a Monarch in Habit*, to out live all Mankind but his own Posterity, I say what such necessary Connection there is betwixt *Adams Creation* and his *Right to Government*; so that a *Natural Freedom of Mankind cannot be suppos'd without the denial of the Creation of* Adam, I confess for my part I do not see. Nor how those words *by the appointment, &c.* O. 254. however explain'd, can be put together to make any tollerable Sense at least to Establish this Position, with which they end, *viz. Adam was a King from his Creation*, a King says

A-

our *A-- not in Act but in Habit*, i. e. actually no King at all.

20. I fear I have tired my Readers Patience by dwelling longer on this paſſage then the weightineſs of any Argument in it, ſeems to require: but I have unavoidably been ingag'd in it by our *A-s* way of Writing, who hudling ſeveral Suppoſitions together, and that in doubtful and general terms makes ſuch a medly and confuſion, that it is impoſſible to ſhew his Miſtakes without examining the ſeveral Senſes, wherein his Words may be taken, and without ſeeing how in any of theſe various Meanings, they will conſiſt together, and have any Truth in them; for in this preſent paſſage before us, how can any one argue againſt this Poſition of his, that *Adam was a King from his Creation*, unleſs one examin whether the Words *from his Creation*, be to be taken as they may for the time of the Commencement of his Government as the foregoing words import, *as ſoon as he was Created he was Monarch*, or for the cauſe of it, as he ſays, p. 11. *Creation made Man Prince of his Poſterity*. How farther can one judge of the truth of his being thus King, till one has examined whether King be to be taken, as the words in the beginning of this paſſage would perſwade, on ſuppoſition of his *Private*

vate Dominion, which was by Gods positive Grant, *Monarch of the World by Appointment*; or *King* on Supposition of his *Fatherly Power* over his Off spring which was by Nature, *due by the Right of Nature*, whether I say King be to be taken in both, or one only of these two Senses or in neither of them, but only this, that Creation made him Prince in a way different from both the other; for though this assertion, that *Adam was King from his Creation* be true, in no Sense yet it stands here as an evident conclusion drawn from the preceding words, though in truth it be but a bare assertion joyn'd to other assertions of the same kind, which confidently put together in words of undetermined and dubious meaning, look like a sort of arguing, when there is indeed neither Proof nor Connection: A way very familiar with our *A*- of which having given the Reader a taste, here, I shall as much as the Argument will permit me, avoid touching on hereafter, and should not have done it here, were it not to let the World see how Incoherences in Matter and Suppositions, without Proofs put handsomly together in good Words and a plausible Stile, are apt to pass for strong Reason and good Sense, till they come to be look'd into with Attention.

CHAP.

CHAP. IV.

Of Adams Title to Sovereignty by Donation, 1 Gen. 28.

21. HAving at laſt got through the foregoing Paſſage, where we have been ſo long detain'd, not by the Force of Arguments and Oppoſition, but the intricacy of the words, and the doubtfulneſs of the meaning; let us go on to his next Argument, for *Adams* Sovereignty our A-- tells us in the words of Mr. *Selden*, that *Adam by Donation from God,* 1 Gen. 28. *was made the General Lord of all things, not without ſuch a private Dominion to himſelf, as without his Grant did exclude his Children. This Determination of* Mr. Selden, ſays our A-, *is Conſonant to the Hiſtory of the Bible, and natural reaſon.* O. 210. And in his Pref. to his Ob. on *Ariſt.* he ſays thus; *The firſt Government in the World was Monarchical in the Father of all fleſh,* Adam *being Commanded to Multiply and People the Earth, and to Subdue it, and having Dominion given him over all Creatures, was thereby the Monarch of the whole World, none of his Poſterity had any right to Poſſeſs any thing, but by his*

Grant

Grant or Permiſſion, or by Succeſſion from him, the Earth, ſaith the Pſalmiſt, hath he given to the Children of Men, which ſhew the Title comes from Fatherhood.

22. Before I examin this Argument, and the Text on which it is founded, it is neceſſary to deſire the Reader to obſerve, that our *A--* according to his uſual Method, begins in one Senſe, and concludes in another, he begins here with *Adams* Propriety, or *Private Dominion*, by *Donation*, and his concluſion is, *which ſhew the Title comes from Fatherhood.*

23. But let us ſee the Argument, the words of the Text are theſe; *And God Bleſſed them, and God ſaid unto them, be Fruitful and Multiply and Repleniſh the Earth and Subdue it, and have Dominion over the Fiſh of the Sea, and over the Fowl of the Air, and over every Living thing that moveth upon the Earth*, 1 Gen. 28. from whence our A- concludes, *that Adam having here Dominion given him over all Creatures, was thereby the Monarch of the whole World*; whereby muſt be meant, that either this Grant of God, gave *Adam* Property, or as our *A-* calls it, *Private Dominion* over the Earth, and all inferior or irrational Creatures, and ſo conſequently, that he was thereby *Monarch*, or 2° that it gave him Rule and Dominion over all Earthly Creatures

Creatures whatſoever, and thereby over his Children, and ſo he was *Monarch*; for as Mr. *Selden* has properly worded it, *Adam was made General Lord of all things*, one may very clearly underſtand him, that he means nothing to be granted to *Adam*, here but Property, and therefore he ſays not one word of *Adams Monarchy*. But our *A*--ſays, *Adam was hereby Monarch of the World*, which properly ſpeaking, ſignifies Sovereign Ruler of all the Men in the World, and ſo *Adam* by this Grant, muſt be conſtituted ſuch a Ruler. If our *A*- means otherwiſe, he might with much clearneſs, have ſaid, that *Adam was hereby Proprietor of the whole World*. But he begs your Pardon in that Point, clear, deſtinct Speaking, not ſerving every where to his purpoſe, you muſt not expect it in him, as in Mr. *Selden*, or other ſuch Writers.

24. In oppoſition therefore to our *A*--*s* Doctrin, that *Adam was Monarch of the whole World*, founded on this Place, I ſhall ſhew.

1°. That by this Grant, 1 *Gen.* 28. God gave no immediate Power to *Adam* over men, over his Children, over thoſe of his own Species, and ſo he was not made Ruler, or *Monarch* by this Charter.

2°. That

2°. That by this Grant, God gave him not *Private Dominion*, over the inferior Creatures, but right in common with all Mankind, ſo neither was he *Monarch*, upon the account of the Property here given him.

25. 1°. That this Donation. 1 *Gen.* 28. gave *Adam* no Power over Men, will appear if we conſider the words of it. For ſince all Poſitive Grants, convey no more then the Expreſs words, they are made in, will carry, let us ſee which of them here will comprehend Mankind, or *Adams* Poſterity, and thoſe I imagin, if any, muſt be theſe, *every living thing that moveth*, the words in the *Hebrew* are, חיה הרמשת *i. e. Beſtiam Reptantem*, of which words, the Scripture it ſelf, is the beſt Interpreter, God having Created the Fiſhes and Fowls the 5*th* day, the beginning of the 6*th*, he creates the Irrational Inhabitants of the dry Land, which *Ver.* 24*th* are deſcribed in theſe words, *let the Earth bring forth the living Creature after his kind*; *Cattel and Creeping things, and Beaſts of the Earth, after his kind*, and ver. 2. *and God made the Beaſts of the Earth after his kind, and Cattel after their kind, and every thing that Creepeth on the Earth, after his kind*; Here in the Creation of the Brute Inhabitants of the Earth, he firſt ſpeaks of them all

all under one general Name, of *Living Creatures*, and then afterwards, divides them into three Ranks, 1°. *Cattel*, or ſuch Creatures as were or might be tame, and ſo be the Private Poſſeſſion of Particular Men 2°. חיה which *ver.* 24 and 25 in our Bible, is Tranſlated *Beaſts*, and by the *Septuagint* θηεία, *Wild Beaſts*, and is the ſame word, that here in our Text, *ver.* 28. where we have this Great Charter to *Adam*, is Tranſlated *Living thing*, and is alſo the ſame Word uſed, *Gen.* 9. 2. where this Grant is renew'd to *Noah*, and there likewiſe Tranſlated *Beaſt*, 3°. The third Rank were the Creeping Animals, which *ver.* 24 and 25 are compriſed under the word, הרמשת, the ſame that is uſed here *ver.* 28. and is Tranſlated, *moving* but in the former Verſes *Creeping*, and by the *Septuagint* in all theſe places, ἑρπετὰ, or Reptils; from whence it appears that the words, which we Tranſlate here in Gods Donation, *ver.* 28. *Living Creatures moving*, are the ſame which in the Hiſtory of the Creation, *ver.* 24, 25. ſignifie two Ranks of Terreſtrial Creatures, *viz. Wild Beaſts* and *Reptils*, and are ſo underſtood by the *Septuagint*.

26. When God had made the Irrational Animals of the World, divided into three kinds, from the places of their Habitation,

bitation, *viz. Fiſhes of the Sea, Fowls of the Air*, and Living Creatures of the Earth, and theſe again into *Cattel*, *Wild Beaſts* and *Reptils*, he conſiders of making Man, and the Dominion he ſhould have over the Terreſtrial World, *ver.* 26. and then he reckons up the Inhabitants of theſe three Kingdoms; but in the Terreſtrial, leaves out the ſecond Rank חיה, or Wild Beaſts, but here *ver.* 28. where he actually executes this deſign, and gives him this Dominion the Text mentions; *the Fiſhes of the Sea, and Fowls of the Air*, and the *Terreſtial Creatures* in the words that ſignifie the *Wild Beaſts* and *Reptils*, though Tranſlated *Living thing, that moveth*, leaving out Cattel. In both which places though the word that ſignifies *Wild Beaſts*, be omitted in one, and that which ſignifies *Cattel* in the other, yet ſince God certainly executed in one place what he declares he deſigned in the other, we cannot but underſtand the ſame in both places, and have here only an account, how the Terreſtrial irrational Animals, which were already created and reckon'd up at their Creation, in three diſtinct Ranks of *Cattel*, *Wild Beaſts* and *Reptils* were here, *ver.* 28. actually put under the Dominion of Man, as they were deſigned *O.* 26. nor do theſe words contain in them, the leaſt

leaſt appearance of any thing that can be wreſted, to ſignifie God's giving one Man Dominion over another, *Adam* over his Poſterity.

27. And this further appears from *Gen.* 9. 2. where God renewing this Charter to *Noah* and his Sons, he gives them Dominion over *the Fowls of the Air*, and *the Fiſhes of the Sea*, and *the Terreſtrial Creatures*, expreſſed by חיה and הרמש Wild Beaſts and Reptils, the ſame words that in the Text before us 1 *Gen.* 28. are Tranſlated *every moving thing*, *that moveth on the Earth*, which by no means can comprehend Man, the Grant being made to *Noah* and his Sons, all the Men then living, and not to one part of Men over another, which is yet more evident from the very next words *ver.* 3. where God gives every רמש, *every moving thing*, the very words uſed *Ch.* 1. 28. to them for Food. By all which it is plain, that Gods Donation to *Adam*, *Cha.* 1. 28. and his deſignation, *v.* 26. and his Grant again to *Noah* and his Sons, refer to, and contain in them, neither more nor leſs, then the works of the Creation the 5*th* day, and the Beginning of the 6*th*, as they are ſet down from 20*th*, to 26*th*, *ver.* incluſively of the 1*ſt*. *Ch.* and ſo comprehend all the Species of irrational Animals of the *Tera-*

queous Globe, though all the words whereby they are expreſſed in the Hiſtory of their Creation, are no where uſed in any of the following Grants, but ſome of them omitted in one, and ſome in another, from whence I think it is paſt all doubt, that Man cannot be comprehended in this Grant, nor any Dominion over thoſe of his own Species be convey'd to *Adam*. All the Terreſtrial irrational Creatures are enumerated at their Creation, *ver.* 25. under the Names, *Beaſts of the Earth*, *Cattel* and *Creeping things*, but Man being not then Created, was not contain'd under any of thoſe Names, and therefore whether we underſtand the *Hebrew* words right or no, they cannot be ſuppoſed to comprehend Man in the very ſame Hiſtory, and the very next Verſes following, eſpecially ſince that *Hebrew* word, רמש which if any in this Donation to *Adam*, *Chap.* 1. 28. muſt comprehend Man, is ſo plainly uſed in contradiſtinction to him, as *Gen.* 6. 20. 7. 14. 21. 23. *Gen.* 8. 17, 19. And if God made all Mankind ſlaves to *Adam* and his Heirs, by giving *Adam* Dominion over *every Living thing, that moveth on the Earth*, *Chap.* 1. 28. as our *A*-- would have it, me thinks Sr. *Rob.* ſhould have carried his Monarchical Power one ſtep higher, and

ſatisfied

satisfied the World, that Princes might have eat their Subjects too, since God gave as full Power to *Noah* and his Heirs, *Chap.* 9. 2. to eat *every Living thing that moveth*, as he did to *Adam*, to have Dominion over them, the *Hebrew* words in both place being the same.

28. *David*, who might be supposed to understand the Donation of God in this Text, and the right of Kings too, as well as our *A-* in his Comment on this place, as the Learned and Judicious *Ainsworth* calls it, in the *8th Psalm*, finds here no such Charter of Monarchical Power, his words are, *Thou hast made him, i. e.* Man the Son of Man, *a little lower then the Angels, thou madest him to have Dominion over the works of thy hands, thou hast put all things under his Feet, all Sheep and Oxen and the Beasts of the Field, and the Fowl of the Air, and Fish of the Sea, and whatsoever passeth through the Paths of the Sea.* In which words, if any one can find out that there is meant any Monarchical Power of one Man over another, but only the Dominion of the whole Species of Mankind, over the inferior Species of Creatures, he may for ought I know, deserve to be one of Sr. *Rob. Monarchs in babit*, for the rareness of the discovery. And by this time, I hope it is evident, that he that gave *Dominion over every Living*

thing, that moveth on the Earth, gave *Adam* no Monarchical Power over those of his own Species, which will yet appear more fully in the next thing I am to shew.

29. 2°. Whatever God gave by the words of this Grant, 1 *Gen.* 28. It was not to *Adam* in particular, exclusive of all other Men, whatever *Dominion* he had thereby, it was not a *Private Dominion*, but a Dominion in common, with the rest of Mankind. That this Donation was not made in particular to *Adam*, appears evidently from the words of the Text, it being made to more then one, for it was spoken in the Plural Number, God blessed *them*, and said unto *them*, have Dominion, God says unto *Adam* and *Eve*, have Dominion, *thereby* says our *A-Adam was Monarch of the World*, but the Grant being to them, *i. e.* spoke to *Eve* also, as many interpreters think with reason, that these words were not spoken till *Adam* had his Wife, must not she thereby be Lady, as well as he Lord of the World? If it be said that *Eve* was subjected to *Adam*, it seems she was not so to him, as to hinder her *Dominion* over the Creatures, or *Property* in them, for shall we say that God ever made a joynt Grant to two, and one only was to have the benefit of it.

30. But

30. But perhaps 'twill be said *Eve* was not made till afterward; grant it so, what advantage will our *A.* get by it? the Text will be only the more directly against him, and shew that God in this Donation, gave the World to Mankind in common, and not to *Adam* in particular. The word *Them* in the Text must include the Species of Man, for 'tis certain *Them* can by no means signify *Adam* alone. In the 26th *Verse* where God declares his intention to give this Dominion, it is plain he meant, that he would make a Species of Creatures, that should have Dominion over the other Species of this Terrestrial Globe, the words are, *and God said let us make Man in our Image after our Likeness, and let them have Dominion over the Fish*, &c. *They* then were to have Dominion. Who? even those who were to have the *Image* of God, the Individuals of that Species of *Man* that he was going to make, for that *Them* should signifie *Adam* singly, exclusive of the rest, that should be in the World with him, is against both Scripture and all Reason: And it cannot possibly be made Sense, if *Man* in the former part of the *Verse* do not signifie the same with *Them* in the latter, only *Man* there, as is usual, is taken for the Species, and *them* the individuals of that Species, and we have a Reason in

the very Text; for God makes him *in his own Image after his own Likeness*, makes him an intellectual Creature and so capable of *Dominion*; for wherein soever else the *Image of God* consisted, the intellectual Nature was certainly a part of it, and belong'd to the whole Species, and enabled them to have *Dominion* over the inferior Creatures, and therefore *David* says in the 8th *Psalm* above cited, *thou hast made him little lower then the Angels, thou hast made him to have Dominion*, 'tis not of *Adam* King *David* speaks here, for *Verse* 4. 'tis plain, 'tis of *Man* and *the Son of Man*, of the Species of Mankind.

34. And that this Grant spoken to *Adam* was made to him, and the whole Species of Man, is clear from our own Proof out of the *Psalmist*: *The Earth*, saith the Psalmist, *hath he given to the Children of Men*, *which shews the Title comes from Fatherhood*, these are Sir *Robert*'s words in the Preface before cited, and a strange Inference it is he makes, *God hath given the Earth to the Children of Men*, *ergo the Title comes from Fatherhood*. 'Tis pity the Propriety of the *Hebrew* Tongue had not used *Fathers of Men* instead of *Children of Men*, to express Mankind, then indeed our *Author* might have had the Countenance of the Sound of the words, to have placed the *Title*

in

in the *Fatherhood*; but to conclude that the *Fatherhood* had the Right to the Earth, becauſe God gave it *to the Children of Men* is a way of arguing peculiar to our *A*-- and a Man muſt have a great mind to go contrary to the Sound as well as Senſe of the Words, before he could light on it; But the Senſe is yet harder and more remote from our *A-s* purpoſe: for as it ſtands in his Preface, it is to prove *Adams* being Monarch, and his reaſoning is thus, *God gave the Earth to the Children of Men*, ergo *Adam was Monarch of the World*, I defie any Man to make a more pleaſant Concluſion then this, which cannot be excuſed from the moſt obvious Abſurdity, till it can be ſhewn that *by Children of Men*, he who had no Father *Adam* alone is ſignified, but whatever our *A*-- does the Scripture ſpeaks not Nonſenſe.

32. To maintain this *Property and Private Dominion of* Adam, our *A*-- labours in the following page to deſtroy the Community granted to *Noah* and his Sons, in that parallel place, 9 *Gen.* 1, 2, 3. and he endeavours to do it two ways.

1. Sir *Robt.* would perſwade us againſt the expreſs words of the Scripture, that what was here granted to *Noah* was not granted to his Sons in Common with him; His words are, *As for the general Commu-*

nity between Noah *and his Sons, which Mr.* Selden *will have to be granted to them*, 9 Gen. 2. *the Text doth not warrant it*, what *warrant* our *A-* would have when the plain expreſs words of Scripture, not capable of another meaning, will not ſatisfie him, who pretends to build wholly on Scripture is not eaſy to imagine. The Text ſays, *God Bleſſed Noah and his Sons, & ſaid unto them*, i e. as our *A-* would have it *unto him*, *for* ſaith he, *although the Sons are there mentioned with Noah in the Bleſſing, yet it may beſt be underſtood, with a Subordination or Benediction in Succeſſion*, O. 211. That indeed is *beſt*, for our *A-* to be underſtood, which beſt ſerves to his purpoſe, but that truly *may beſt be underſtood* by any body elſe, which beſt agrees with the plain conſtruction of the words, and ariſes from the obvious meaning of the place, and then *with Subordination* and *in Succeſſion*, will not *be beſt underſtood*, in a Grant of God, where he himſelf put them not, nor mentions any ſuch Limitation. But yet, our *A--* has reaſons, why it *may beſt be underſtood ſo. The Bleſſing*, ſays he, in the following words, *might truly be fulfilled, if the Sons either under or after their Father, enjoy'd a Private Dominion*, O. 211. which is to ſay, that a Grant whoſe expreſs words give a joynt Title in preſent; for the Text ſays into your hands they are delivered,

may

may beſt be underſtood with a Subordination or in *Succeſſion*, becauſe 'tis poſſible, that *in Subordination*, or *Succeſſion* it may be enjoy'd, which is all one as to ſay, that a Grant of any thing in preſent poſſeſſion, *may beſt be underſtood* of reverſion; becauſe 'tis poſſible one may live to enjoy it in reverſion. If the Grant be indeed to a Father and his Sons, who is ſo kind as to let his Children enjoy it preſently in common with him, one may truly ſay as to the event, one will be as good as the other; but it can never be true, that what the expreſs Words grants in poſſeſſion and in common, *may beſt be underſtood*, to be in reverſion. The ſumm of all his reaſoning amounts to this. God did not give to the Sons of *Noah*, the World in common with their Father, becauſe 'twas poſſible they might enjoy it under, or after him, a very good ſort of Argument, againſt an expreſs Text of Scripture; But God muſt not be believed, though he ſpeaks it himſelf, when he ſays he does any thing, which will not conſiſt with Sr. *Robt's*. Hypotheſis.

33. For 'tis plain, however he would exclude them, That part of this *Benediction*, as he would have it *in Succeſſion*, muſt needs be meant to the Sons, and not to *Noah* himſelf at all, *Be Fruitful and Multiply and Repleniſh*

Repleniſh the Earth, ſays God, in this Bleſſing, this part of the Benediction as appears by the ſequel concerned not *Noah* himſelf at all; for we read not of any Children he had after the Flood, and in the following Chapter, where his Poſterity is reckon'd up, there is no mention of any, and ſo this *Benediction in Succeſſion*, was not to take place, till 350 Years after, and to ſave our *A--r* imaginary *Monarchy*, the Peopleing of the World, muſt be defer'd 350 Years; for this part of the *Benediction* cannot be underſtood with *Subordination*, unleſs our *A--* will ſay, that they muſt ask leave of their Father *Noah*, to lye with their Wives. But in this one point our *A-* is conſtant to himſelf in all his Diſcourſes, he takes only care there ſhould be Monarchs in the World, but very little that there ſhould be People, and indeed his way of Government is not the way to People the World; For how much Abſolute Monarchy helps to fulfil this great and primary Bleſſing of God Almighty, *be Fruitful and Multiply and Repleniſh the Earth*, which contains in it the improvement too of Arts and Sciences, and the conveniences of Life, may be ſeen in thoſe large and rich Countries, which are happy under the *Turkiſh* Government, where are not now to be found ½, nay in many,

if

if not moſt parts of them ⅓, perhaps I might ſay not ⅛ of the People, that were formerly, as will eaſily appear to any one, who will compare the Accounts we have of it at this time, with Ancient Hiſtory, but this by the by.

34. The other Parts of this *Benediction* or Grant, are ſo expreſſed that they muſt needs be underſtood, to belong to *Noah's* Sons, not *with a Subordination* or in *Succeſſion*, but as far forth and equally as to *Noah* himſelf. *The fear of you, and the dread of you*, ſays God, *ſhall be upon every Beaſt, &c.* Will any Body, but our *A-* ſay, that the Creatures feared and ſtood in awe of *Noah* only, and not of his Sons without his leave, or till after his death; And the following words *into your hands they are delivered*, are they to be underſtood as our *A-* ſays, if your Father pleaſe, or they ſhall be deliver'd into your hands hereafter. If this be to argue from Scripture, I know not what may not be proved by it, and I can ſcarce ſee how much this differs from that *Fiction and Phanſy*, or how much a ſurer Foundation it will prove then the Opinions of *Philoſophers and Poets*, which our *A-* ſo much condemns in his Preface.

35. *But*

35. But our *A*-- goes on to prove that *it may best be understood with a Subordination or a Benediction in Succession*, for, says he, *it is not probable that the private Dominion which God gave to* Adam, *and by his Donation, Assignation or Cession to his Children, was Abrogated, and a Community of all things instituted between* Noah *and his Sons. Noah was left the sole Heir of the World, why should it be thought that God would disinherit him of his Birth-right, and make him of all Men in the World the only Tenant in Common with his Children*, O. 2. 11.

36. The Prejudices of our own ill grounded Opinions, however by us called *Probable*, cannot Authorize us to understand Scripture contrary to the direct and plain meaning of the Words; I grant, 'tis not probable that *Adams private Dominion was* here *Abrogated*, because it is more then improbable, for it will ever be proved that ever *Adam* had any such *Private Dominion*: and since parallel places of Scripture are most probable to make us know, how they *may be best understood*, there needs but the comparing this Blessing here to *Noah* and his Sons after the Flood, with that to *Adam* after the Creation, 1 *Gen.* 28, to assure any one that God gave *Adam* no such *Private Dominion*. 'Tis *Probable*, I confess, that *Noah* should have the

the ſame Title, the ſame Property and Dominion after the Floud, that *Adam* had before it. But ſince *Private Dominion* cannot conſiſt with the Bleſſing and Grant God gave to him and his Sons in Common, 'tis a ſufficient Reaſon to conclude that *Adam* had none, eſpecially ſince in the Donation made to him, there is no words that expreſs it, or do in the leaſt favour it; And then let my Reader Judge whether *it may beſt be underſtood*, when in the one place there is not one word for it, not to ſay, what has been above proved, that that Text it ſelf proves the contrary, and in the other, the Words and Senſe are directly againſt it.

37. But our *A.* ſays, *Noah was the ſole Heir of the World, why ſhould it be thought that God would diſinherit him of his Birth-right-Heir*, indeed in *England* ſignifies the Eldeſt Son, who is by the Law of *England* to have all his Fathers Land, but where God ever appointed any ſuch *Heir of the World*, our *A*— would have done well to have ſhewed us, and how *God diſinherited him of his Birth-right*, or what harm was done him if God gave his Sons a Right to make uſe of a part of the Earth for the ſupport of themſelves and Families, when the whole was not only more then *Noah* himſelf, but infinitely more then they all could

could make use of, and the Possessions of one could not at all Prejudice, or as to any use straighten that of the other.

38. Our *A-* probably foreseeing he might not be very successful in perswading People out of their Senses, and say what he could, Men would be apt to believe the plain words of Scripture, and think as they saw, that the Grant was spoken to *Noah* and his Sons joyntly. He comes, 2. to insinuate as if this grant to *Noah*, conveyed no Property, no Dominion; because *Subduing the Earth and Dominion over the Creatures are therein omitted, nor the Earth once named.* And therefore, says he, *there is a considerable difference between these two Texts, the first blessing gave Adam a Dominion over the Earth and all Creatures, the latter allows Noah Liberty to use the Living Creatures for Food, here is no alteration or diminishing of his Title, to a Property of all things, but an Enlargement only of his Common, O.* 211. So that in our *A-*'s Sense, all that was said here to *Noah* and his Sons, gave them no Dominion, no Property, but only *Enlarged* the *Commons*, their *Commons*, I should say since, God says, *to you are they given*, though our *A-* says *his*, for as for *Noahs* Sons they it seems by Sr. *Robt.* appointment during their Fathers Life time, were to keep Fasting days.

39. Any one but our *A-* would be mightily suspected, to be blinded with Prejudice, that

that in all this Bleſſing to *Noah* and his Sons, could ſee nothing but *only* an Enlargment of Commons. For as to *Dominion* which our *A.* thinks omitted, *the fear of you and the dread of you*, ſays God, *ſhall be upon every Beaſt*, which I ſuppoſe, expreſſes the *Dominion*, or Superiority was deſigned Man over the living Creatures, as fully as may be, for in that fear and dread, ſeems cheifly to conſiſt what was given to *Adam*, over the inferior Animals, who as Abſolute a Monarch as he was, could not make bold with a Lark or a Rabbit to ſatisfie his hunger, and had the Herbs but in common with the Beaſts; as is plain from 1 *Gen.* 2. 9. and 30. In the next place, 'tis manifeſt that in this Bleſſing to *Noah* and his Sons, Property is not only given in clear words, but in a larger extent then it was to *Adam*. *Into your hands they are given*, ſays God, to *Noah* and his Sons, which words if they give not Property, nay Property in Poſſeſſion, 'twill be hard to find words that can, ſince there is not a way to expreſs a Mans being poſſeſſed of any thing more Natural, nor more certain then to ſay, it is *delivered into his hands*. And verſe 3*d* to ſhew that they had then given them the utmoſt Property Man is capable of, which is to have a right to deſtroy any thing by uſing it, *every moving thing*

that

that Liveth, saith God, *shall be Meat for you*, which was not allowed to *Adam* in his Charter. This our *A-* calls *a Liberty of using them for Food, and only an Enlargment of Commons*, but *no alteration of Property*, *O.* 211. What other Property Man can have in the Creatures, but the *Liberty of using them*, is hard to be understood. So that if the first Blessing as our *A-* says *gave Adam Dominion over the Creatures*, and the Blessing to *Noah* and his Sons gave them *such a Liberty to use them*, as *Adam* had not; it must needs give them something that *Adam* with all his Sovereignty, wanted something that one would be apt to take for a greater Property; for certainly he has no Absolute Dominion over even the Brutal Part of the Creatures, and the Property he has in them, is very narrow and scanty, who cannot make that use of them, which is permitted to another; should any one, who is Absolute Lord of a Country, have bidden our *A- Subdue the Earth*, and given him Dominion over the Creatures in it, but not have permitted him to have taken a Kid or a Lamb out of the flock, to satisfie his hunger, I guess, he would scarce have thought himself Lord or Proprietor of that Land, or the Cattel on it, but would have found the difference between *having Dominion*, which a Shepherd may have, and

and having full Property as an owner, ſo that had it been his own *Caſe*, Sr. *Rob.* I believe would have thought here was an *Alteration*, nay an Enlarging of *Property*, and that *Noah* and his Children had by this Grant, not only Property given them, but ſuch a Property given them in the Creatures, as *Adam* had not, for however in reſpect of one another, Men may be allowed to have Propriety in their diſtinct portions of the Creatures, yet in reſpect of God the maker of Heaven and Earth, who is ſole Lord and Proprietor of the whole World, Mans Propriety in the Creatures, is nothing but that *Liberty to uſe them*, which God has permitted, and ſo mans Property may be altered and Enlarged as we ſee it was here, after the Flood, when other uſes of them are allowed, which before were not; from all which I ſuppoſe, it is clear that neither *Adam* nor *Noah*, had any *Private Dominion*, any Property in the Creatures, excluſive of his poſterity, as they ſhould ſucceſſively grow up into need of them, and come to be able to make uſe of them.

40. Thus we have examined our *Firſt* Argument for *Adams Monarchy*, founded on the Bleſſing Pronounced, 1 *Gen.* 28. Wherein I think 'tis impoſſible for any ſober Reader, to find any elſe but the ſetting of Man-

kind above the other kinds of Creatures, in this habitable Earth of ours. 'Tis nothing but the giving to man, the whole Species of man, as the chief inhabitant, who is the Image of his Maker, the Dominion over the other Creatures. This lies so obvious in the plain words, that any one but our *A-*, would have thought it necessary to have shewn, how these words that seem'd to say the quite contrary, gave *Adam Monarchical Absolute Power* over other Men, or the *Sole Propriety* in all the Creatures, and me thinks in a business of this moment, and that whereon he Builds all that follows, he should have done something more then barely cite words which apparently make against him, For, I confess, I cannot see any thing in them, tending to *Adams Monarchy*, or *Private Dominion*, but quite the contrary. And I the less deplore the dulness of my apprehension herein, since I find the Apostle seems to have as little notion of any such *Private Dominion of Adam* as I, when he says, God *gives us all things richly to enjoy*, which he could not do, if it were all given away already, to Monarch *Adam*, and the Monarchs his Heirs and Successors. To conclude, this Text is so far from proving *Adam* Sole Proprietor, that on the contrary, it is a confirmation

firmation of the Original Community of all things amongſt the Sons of Men, which appearing from this Donation of God, as well as other places of Scripture, the Sovereignty of *Adam*, built upon his *Private Dominion*, muſt fall, not having any Foundation to ſupport it.

41. But yet if after all, any one will needs have it ſo, that by this Donation of God *Adam* was made ſole Proprietor of the whole Earth, what will this be to his Sovereignty, and how will it appear that *Propriety* in Land gives a Man Power over the Life of another, or how will the Poſſeſſion even of the whole Earth give any one a Sovereign Arbitrary Authority over the Perſons of Men; The moſt ſpecious thing to be ſaid, is, that he that is Proprietor of the whole World may deny all the reſt of Mankind Food, and ſo at his Pleaſure ſtarve them, if they will not acknowledge his Sovereignty and obey his Will. If this were true, it would be a good Argument to prove that there was never any ſuch *Property*, that God never gave any ſuch *Private Dominion*, ſince it is more reaſonable to think that God who bid Mankind increaſe and multiply, ſhould rather himſelf give them all a Right to make uſe of the Food and Raiment and other Conveniences of Life, the Materials

whereof he had ſo plentifully provided for them, then to make them depend upon the Will of a Man for their Subſiſtance, who ſhould have Power to deſtroy them all when he pleaſed, and who being no better then other Men, was in Succeſſion likelyer by want and the dependance of a ſcanty Fortune, to tye them to hard Service then by liberal Allowance of the Conveniences of Life promote the great Deſign of God, *Increaſe* and *Multiply*, he that doubts this, let him look into the Abſolute Monarchies of the World, and ſee what becomes of the Conveniences of Life and the Multitudes of People.

42. But we know God hath not left one Man ſo to the Mercy of another, that he may ſtarve him if he pleaſe, God the Lord and Father of all has given no one of his Children ſuch a Property in his peculiar Portion of the things of this World, but that he has given his needy Brother a Right in the Surpluſſage of his Goods, ſo that it cannot juſtly be denyed him when his preſſing wants call for it. And therefore no Man could ever have a juſt Power over the Life of another by Right of Property in Land or Poſſeſſions, ſince 'twould always be a Sin in any Man of Eſtate to let his Brother periſh for want of affording him Relief out of his Plenty;

For

For as *Juſtice* gives every Man a Title to the product of his honeſt Induſtry, and the fair Acquiſitions of his Anceſtors deſcended to him, ſo *Charity* gives every Man a Title to ſo much out of anothers Plenty as will keep him from extream want, where he has no means to ſubſiſt otherwiſe; And a Man can no more juſtly make uſe of anothers neceſſity, to force him to become his Vaſſal by withholding that Relief, God requires him to afford to the wants of his Brother, then he that has more ſtrength can ſeize upon a weaker, maſter him to his Obedience, and with a Dagger at his Throat offer him Death or Slavery.

43. Should any one make ſo perverſe an uſe of Gods Bleſſings powred on him with a liberal Hand, ſhould any one be Cruel and Uncharitable to that extremity, yet all this would not prove that Propriety in Land, even in this Caſe, gave any Authority over the Perſons of Men, but only that Compact might; ſince the Authority of the Rich Proprietor and the Subjection of the Needy Beggar began not from the Poſſeſſion of the Lord, but the Conſent of the poor Man who prefer'd being his Subject to ſtarving. And the Man he thus ſubmits to, can pretend to no more Power over him then he has conſented to, upon

Compact, upon this ground a Mans having his Stores filled in a time of Scarcity, having Money in his Pocket, being in a Veſſel at Sea, being able to Swim, &c. may as well be the Foundation of Rule and Dominion, as being Poſſeſſor of all the Land in the World, any of theſe being ſufficient to enable me to ſave a Mans Life who would periſh if ſuch Aſſiſtance were denyed him; And any thing by this Rule that may be an occaſion of working upon anothers neceſſity to ſave his Life or any thing dear to him, at the rate of his Freedom may be made a Foundation of Sovereignty as well as Property; From all which it is clear that tho God ſhould have given *Adam Private Dominion*, yet that *Private Dominion* could give him no *Sovereignty*; But we have already ſufficiently proved that God gave him no *Private Dominion*.

CHAP.

CHAP. V.

Of Adams *Title to Sovereignty by the Subjection of* Eve.

44. THE next place of Scripture we find our *A--* Build his Monarchy of *Adam* on is 3. *Gen.* 26. *And thy desire shall be to thy Husband, and he shall rule over thee. Here we have* (says he) *the Original Grant of Government*, from whence he concludes, in the following part of the Page *O.* 244. *that the Supream Power is setled in the Fatherhood, and limited to one kind of Government, that is to Monarchy*; For let his premises be what they will, this is always the conclusion, let but *Rule* in any Text, be but once named, and presently *Absolute Monarchy* is by Divine Right Establish'd, if any one will but carefully Read our *A--s* own reasoning from these Words, *O.* 244. and consider among other things, *the Line and Posterity of Adam*, as he there brings them in, he will find some difficulty, to make Sense of what he says; But we will allow this at present, to his peculiar way of Writing, and consider the

Force of the Text in hand. The words are the Curſe of God upon the Woman, for having been the firſt and forwardeſt in the Diſobedience, and if we will conſider the occaſion of what God ſays here to our firſt Parents, that he was Denouncing Judgment, and declaring his Wrath againſt them both, for their Diſobedience, we cannot ſuppoſe that this was the time, wherein God was granting *Adam* Prerogatives and Priviledges, inveſting him with Dignity and Authority, Elevating him to Dominion and Monarchy; For though as a helper in the Temptation, as well as a Partner in the Tranſgreſſion, *Eve* was laid below him, and ſo he had accidentally a Superiority over her, for her greater Puniſhment, yet he too had his ſhare in the fall, as well as the ſin, and was laid lower, as may be ſeen in the following Verſes, and 'twould be hard to imagin that God in the ſame Breath, ſhould make him Univerſal *Monarch* over all Mankind, and a day labourer for his Life. Turn him out of *Paradice, to till the Ground ver.* 23. and at the ſame time, advance him to a Throne, and all the Priviledges and Eaſe of Abſolute Power.

45. This was not a time, when *Adam* could expect any Favours, any Grant of Priviledges from his offended Maker. If this

this be *the Original Grant of Government*, as our *A*— tells us, and *Adam* was now made Monarch, whatever Sr. *Rob.* would have him, 'tis plain, God made him but a very poor Monarch, ſuch an one, as our *A*-himſelf would have counted it no great Priviledge to be. God ſets him to work for his living, and ſeems rather to give him a Spade into his hand, to Subdue the Earth, then a Scepter to Rule over its Inhabitants. *In the Sweat of thy Face, thou ſhalt eat thy Bread*, ſays God to him *ver.* 19. This was unavoidable, may it perhaps be anſwered, becauſe he was yet without Subjects, and had no Body to work for him, but afterwards living as he did above 900 Years, he might have People enough, whom he might command to work for him; no ſays God, not only whilſt thou art without other help, ſave thy Wife, but as long as thou liveſt, ſhalt thou live by thy Labour. *In the Sweat of thy Face, ſhalt thou eat thy Bread, till thou return unto the Ground, for out of it waſt thou taken, for duſt thou art, and unto duſt ſhalt thou return, v.* 19. It will perhaps be anſwered again, in Favour of our *A*--, that theſe Words are not ſpoken Perſonally to *Adam*, but in him, as their Repreſentative to all Mankind, this being a Curſe upon Mankind, becauſe of the fall.

46. God

46. God, I believe, ſpeaks differently from Men, becauſe he ſpeaks with more Truth, more Certainty, but when he vouchſafes, to ſpeak to Men; I do not think, he ſpeaks differently from them, in croſſing the Rules of Language, in uſe amongſt them, this would not be to condeſcend to their Capacities, when he humbles himſelf to ſpeak to them, but to looſe his deſign in ſpeaking, what thus ſpoken, they could not underſtand. And yet thus muſt we think of God, if the Interpretations of Scripture, neceſſary to maintain our A-s Doctrin, muſt be received for good; For by the ordinary Rules of Language, it will be very hard to underſtand what God ſays; if what he ſpeaks here, in the Singular Number to *Adam* muſt be underſtood to be ſpoken to all Mankind, and what he ſays in the Plural Number, 1 *Gen.* 26. and 28. muſt be underſtood of *Adam* alone, excluſive of all others, and what he ſays to *Noah* and his Sons Joyntly, muſt be underſtood to be meant to *Noah* alone, *Gen* 9.

47. Farther it is to be noted, that theſe words here of 3 *Gen.*16. which our *A.* calls *the Original Grant of Government* were not ſpoken to *Adam*, neither indeed was there any Grant in them made to *Adam*, but a puniſhment laid upon *Eve*, and if we

we will take them as they were directed in particular to her, or in her, as a representative to all other Women, they will at most concern the Female Sex only, and import no more but that subjection they should ordinarily be in to their Husbands, but there is here no more Law to oblige a Woman to such a Subjection, if the Circumstances either of her Condition or Contract with her Husband should exempt her from it, then there is that she should bring forth her Children in Sorrow and Pain, if there could be found a Remedy for it, which is also a part of the same Curse upon her, for the whole Verse runs thus, *unto the Woman he said, I will greatly Multiply thy sorrow and thy conception; In sorrow thou shall bring forth Children, and thy desire shall be to thy Husband, and he shall rule over thee.* 'Twould I think have been a hard matter for any Body, but our *A*— to have found out a Grant of *Monarchical Government to Adam* in these Words, which were neither spoke to, nor of him, neither will any one, I suppose, by these Words, think the weaker Sex, as by a Law so Subjected to the Curse contained in them, that 'tis their duty, not to endeavour to avoid it. And will any one say that *Eve*, or any other Woman, sin'd, if she were brought to Bed, without those Multiplyed

tiplyed Pains, God threatens her here with, or that either of our Queens *Mary* or *Elizabeth*, had they Married any of their Subjects had been by this Text, put into a Political Subjection to him, or that he thereby ſhould have had *Monarchical Rule* over her, God in this Text, gives not that I ſee any Authority to *Adam* over *Eve*, or Men over their Wives, but only foretels what ſhould be the Womans Lot, how by his Providence he would order it ſo, that ſhe ſhould be Subject to her Huſband, as we ſee that generally the Laws of Mankind and Cuſtoms of Nations, have ordered it ſo, and there is, I grant, a Foundation in Nature for it.

48. Thus when God ſays of *Jacob* and *Eſau* that *the Elder ſhould ſerve the Younger*, 25 *Gen.* 23. no body ſuppoſes that God hereby made *Jacob Eſſaus* Sovereign, but foretold what ſhould *de facto* come to paſs.

But if theſe words here ſpoke to *Eve* muſt needs be underſtood as a Law to bind her and all other Women to Subjection, it can be no other Subjection then what every Wife owes her Husband, and then if this be the *Original Grant of Government* and the *Foundation of Monarchial Power*, there will be as many Monarchs as there are Husbands: If therefore theſe words give any Power to *Adam*,

it

it can be only a Conjugal Power, not Political, the Power that every Husband hath to order the things of private Concernment in his Family, as Proprietor of the Goods and Land there, and to have his Will take place in all things of their Common Concernment before that of his Wife; But not a Political Power of Life and Death over her, much less over any body else.

49. This I am sure: If our *A*-- will have this Text to be a *Grant, the Original Grant of Government*, political Government, he ought to have proved it by some better Arguments then by barely Saying, that *thy desire shall be unto thy Husband*, was a Law whereby *Eve* and *all that should come of her*, were subjected to the Absolute Monarchical Power of *Adam* and his Heirs. *Thy desire shall be to thy Husband*, is too doubtful an Expression, of whose signification Interpreters are not agreed, to build so confidently on, and in a Matter of such moment and so great and general Concernment; But our *A*-- according to his way of Writing, having once named the Text, concludes presently without any more ado, that the meaning is, as he would have it, let the Words *Rule* and *Subject* be but found in the Text or Margent, and it immediately signifies the

Duty

Duty of a Subject to his Prince, and the Relation is changed, and though God says *Husband*, Sr. *Robt.* will have it *King*, *Adam* has presently *Absolute Monarchial Power* over *Eve*, and not only *Eve* but *all that should come of her*, though the Scripture says not a word of it, nor our *A*-- a word to prove it. But *Adam* must for all that be an Absolute Monarch, and so to the end of the Chapter quite down to *Ch.* 1. And here I leave my Reader to consider whether my bare Saying, without offering any Reasons to evince it, that this Text gave not *Adam* that *Absolute Monarchial Power*, our *A*-- supposes, be not as sufficient to destroy that Power as his bare Assertion is to Establish it, since the Text mentions neither *Prince* nor *People*, speaks nothing of *Absolute* or *Monarchial Power*, but the Subjection of *Eve*, a Wife to her *Husband*. And he that would treat our *A*-- so, although he would make a short and sufficient answer to the greatest part of the Grounds he proceeds on, and abundantly confute them by barely denying; It being a sufficient answer to Assertions without proof to deny them without giving a Reason, and therefore should I have said nothing but barely deny'd that by this Text *the Supream Power was seiled and founded by God himself*, in the

the Fatherhood, Limited to Monarchy, and *that to Adams Person and Heirs*, all which our *A*--- notably concludes from these Words, as may be seen in the same Page *O.* 244. and desired any sober Man, to have read the Text, and considered to whom and on what occasion it was spoken, he would no doubt have wondered how our *A*-found out *Monarchical Absolute Power* in it, had he not had an exceeding good Faculty to find it himself, where he could not shew it others; And thus we have examined the two places of Scripture, all that I remember our *A*-- brings to prove *Adams Sovereignty*, that *Supremacy*, which he says, *it was Gods Ordinance should be unlimitted in Adam, and as large as all the Acts of his Will. O.* 254, viz. 1 *Gen.* 28. and 3. *Gen.* 16. one whereof signifies only the Subjection of the inferior Ranks of Creatures to Mankind, and the other the Subjection that is due from a Wife to her Husband, both far enough from that which Subjects owe the Governors of Political Societies.

CHAP.

CHAP. VI.

Of Adams *Title to Sovereignty by Fatherhood.*

50. THere is one thing more and then I think I have given you all that our *A*-- brings for proof of *Adams* Sovereignty, and that is a Supposition of a natural Right of Dominion over his Children, by being their Father, and this Title of *Fatherhood* he is pleased with, that you will find it brought in almost in every Page, particularly, he says, *not only* Adam *but the succeeding Patriarchs had by Right of Fatherhood Royal Authority over their Children*, p. 12. And in the same page. *This Subjection of Children being the Fountain of all Regal Authority*, &c. This being as one would think by his so frequent mentioning it the main basis of all his Frame, we may well expect clear and evident Reason for it, since he lays it down as a position necessary to his purpose, that *every Man that is born is so far from being Free, that by his very Birth he becomes a Subject of him that begets him*, O. 156. So that *Adam* being the only Man Created, and all ever since being begotten,

ten, no body has been born free; If we ask how *Adam* comes by this Power over his Children, he tells us here 'tis by begetting them: And so again, *O.* 223. *This natural Dominion of* Adam, says he, *may be proved out of* Grotius *himself, who teacheth that* generatione jus acquiritur parentibus in liberos. And indeed the act of begetting being that which makes a Man a Father, his Right of Father over his Children can naturally arise from nothing else.

51. *Grotius* tells us not here how far this *jus in liberos*, this Power of Parents over their Children extends, but our *A*-- always very clear in the point assures us, 'tis *Supreme Power*, and like that of Absolute Monarchs over their Slaves, Absolute Power of Life and Death: He that should demand of him how, or for what Reason, it is, that begetting a Child gives the Father such an Absolute Power over him, will find him answer nothing, we are to take his word for this as well as several other things, and by that the Laws of Nature and the Constitutions of Government must stand and fall; Had he been an Absolute Monarch, this way of talking might have suited well enough, *pro ratione voluntas*, may there be allowed: But 'tis but an ill way of pleading for

Abſolute Monarchy, and Sr. *Robts.* bare Sayings will ſcarce Eſtabliſh it, one ſlaves Opinion without proof is not of weight enough to diſpoſe of the Liberty and Fortunes of all Mankind; If all Men are not as I think they are naturally equal, I'm ſure all Slaves are, and then I may without preſumption oppoſe my ſingle Opinion to his, and be as confident that my Saying, that begetting of Children makes them not Slaves to their Fathers, ſets all Mankind Free, as his affirming the contrary makes them all Slaves. But that this poſition, which is the Foundation of all their Doctrin, who would have Monarchy to be *Jure divino*, may have all fair play, let us hear what reaſons others give for it, ſince our *A*-- offers none.

52. The Argument, I have heard others make uſe of, to prove that Fathers by begetting them, come by an Abſolute Power over their Children is this; That *Fathers have a Power over the Lives of their Children, becauſe they give them Life and Being*, which is the only proof it is capable of, ſince there can be no reaſon, why naturally one Man ſhould have any claim or pretence of Right over that in another, which was never his, which he beſtowed not, but was received from the bounty of another. 1°. I anſwer that every one who-

who gives an other any thing, has not always thereby a Right to take it away again; But 2°. they who say the *Father* gives Life to his Children, are so dazled with the thoughts of Monarchy that they do not, as they ought, remember God who is *the Author and giver of Life*, *'tis in him alone we live, move and have our Being.* How can he be thought to give Life to another that knows not wherein his own Life consists, Philosophers are at a loss about it after their most diligent enquiries; And Anatomists after their whole Lives and Studies spent in dissections and diligent examining the Bodies of Men, confess their Ignorance in the Structure and Use of Many parts of Mans Body, and in that Operation wherein Life consists in the whole; And doth the rude Plough Man or the more Ignorant Voluptuary Frame or Fashion such an admirable Engine as this is, and then put Life and Sense into it; can any Man say, he formed the parts that are necessary to the Life of his Child, or can he suppose himself to give the Life, and yet not know what Subject is fit to receive it, nor what Actions or Organs are necessary for its Reception or Preservation?

53. To give Life to that which has yet no being is to Frame and make a living

Creature, fashion the parts and mould and suit them to their uses, and having proportion'd and fitted them together to put into them a living Soul. He that could do this might indeed have some pretence to destroy his own Workmanship. But is there any one so bold, that dares thus far Arrogate to himself the Incomprehensible Works of the Almighty? who alone did at first and continues still to make a live Soul, he alone can breath in the Breath of Life. If any one thinks himself an Artist at this, let him number up the parts of his Childs Body which he hath made, tell me their Uses and Operations, and when the living and rational Soul began to Inhabit, this curious Structure when Sense began, and how this Engine he has framed Thinks and Reasons; If he made it, let him when it is out of order mend it, at least tell wherein the defects lie? *shall he that made the Eye not see*, says the *Psalmist*, *Psalm.*94. 9. See these Mens Vanities: The structure of one part is sufficient to convince us of an Allwise Contriver, and he has so visible a claim to us as his Workmanship, that one of the ordinary Apellations of God in Scripture is, *God our Maker* and *the Lord our Maker*. And therefore though our *A*-- for the magnifying his *Fatherhood* be pleased

pleaſed to ſay, *O.* 159. *That even the Power which God himſelf exerciſeth over Mankind is by Right of Fatherhood*, yet this Fatherhood is ſuch an one as utterly excludes all pretence of Title in earthly Parents; for he is *King* becauſe he is indeed Maker of us all, which no Parents can pretend to be of their Children.

54. But had Men Skill and Power to make their Children, 'tis not ſo ſlight a piece of Wormanſhip, that it can be imagined they could make them without deſigning it, what Father of a thouſand when he begets a Child thinks farther then the ſatisfying his preſent Appetite, God in his infinite Wiſdom has put ſtrong deſires of Copulation into the Conſtitution of Men, thereby to continue the race of Mankind, which he doth moſt commonly without the intention, and often againſt the Conſent and Will of the Begetter. And indeed thoſe who deſire and deſign Children, are but the occaſions of their being, and when they deſign and wiſh to beget them, do little more towards their making then *Deucalion* and his Wife in the Fable did towards the making of Mankind, by throwing Pebles over their Heads.

55. But grant that the Parents made their Children, gave them Life and Being, and that hence there followed an Absolute Power. This would give the *Father* but a joynt Dominion with the *Mother* over them; for no body can deny but that the Woman hath an equal share, if not the greater, as nourishing the Child a long time in her own Body out of her own substance. There it is fashion'd, and from her it receives the Materials and Principles of its Constitution; And it is so hard to imagin the rational Soul should presently inhabit the yet unformed Embrio, as soon as the Father has done his part in the Act of Generation, that if it must be supposed to derive any thing from the Parents, it must certainly owe most to the Mother: But be that as it will, the Mother cannot be denied an equal share in begetting of the Child, and so the Absolute Authority of the *Father* will not arise from hence, our *A.* indeed is of another mind; for he says, *We know that God at the Creation gave the Sovereignty to the Man over the Woman, as being the Nobler and Principal Agent in Generation*, O. 172. I remember not this in my Bible, and when the place is brought where God *at the Creation* gave the Sovereignty to Man over the Woman, and that for this Reason, because

cauſe *he is the Nobler and Principal Agent in Generation*, it will be time enough to conſider and anſwer it: But it is no new thing for our *A.* to tell us his own Phancies for certain and divine Truths, though there be often a great deal of difference between his and divine Revelations; for God in the Scripture ſays, *his Father and his Mother that begat him.*

56. They who alledge the Practice of Mankind, for *expoſing or ſelling* their Children, as a Proof of their Power over them, are with Sr. *Robt.* happy Arguers and cannot but recommend their Opinion by founding it on the moſt ſhameful Action and moſt unnatural Murder, humane Nature is capable of. The dens of Lions and Nurſeries of Wolves know no ſuch Cruelty as this; Theſe Savage Inhabitants of the Deſart obey God and Nature, in being tender and careful of their Off-ſpring; They will Hunt, Watch, Fight and almoſt Starve for the Preſervation of their Young, never part with them, never forſake them till they are able to ſhift for themſelves; And is it the priviledge of Man alone to act more contrary to Nature then the Wild and moſt Untamed Part of the Creation? Doth God forbid us under the ſevereſt Penalty, that of Death, to take away the Life of any Man,

a Stranger, and upon Provocation? and does he permit us to destroy those he has given us the Charge and Care of, and by the dictates of Nature and Reason as well as his reveal'd Command, requires us to preserve? He has in all the parts of the Creation taken a peculiar care to propagate and continue the several Species of Creatures, and makes the Individuals act so strongly to this end, that they sometimes neglect their own private good for it, and seem to forget that general Rule which Nature teaches all things of self Preservation and the Preservation of their Young, as the strongest Principle in them over rules the Constitution of their particular Natures; Thus we see when their Young stand in need of it, the timerous come Valiant, the Feirce and Savage Kind, and the Ravenous Tender and Liberal.

57. But if the Examples of what hath been done, be the Rule of what ought to be, History would have furnish'd our *A--* with instances of this *Absolute Fatherly Power* in its heigth and perfection, and he might have shew'd us in *Peru*, People that begot Children on purpose to Fatten and Eat them. The Story is so remarkable, that I cannot but set it down in the *A--s* Words. 'In some Provinces, says he, they were so liquorish after Mans

Flesh

'Fleſh, that they would not have the pa-
'tience to ſtay ſtill the Breath was out of
'the Body, but would ſuck the Blood as
'it ran from the Wounds of the dying
'Man; They had public Shambles of
'Mans Fleſh, and their Madneſs herein
'was to that degree that they ſpared not
'their own Children which they had be-
'got on Strangers, taken in War: For
'they made their Captives their Miſtriſſes
'and choiſly nouriſhed the Children they
'had by them, till about thirteen Years
'Old they Butcher'd and Eat them, and
'they ſerved the Mothers after the ſame
'faſhion, when they grew paſt Child bear-
'ing and ceaſed to bring them any more
'Roaſters, *Garcilaſſo de la vega hiſt. des
'ynca's de* Peru, l. 1. c. 12.

58. Thus far can the buſie mind of Man, carry him to a Brutality below the level of Beaſts, when he quits his reaſon, which places him almoſt equal to Angels, nor can it be otherwiſe in a Creature, whoſe thoughts are more then the Sands, and wider then the Ocean, where fancy and paſſion muſt needs run him into ſtrange courſes, if reaſon, which is the only Star and Compaſs, be not that he Steers by; the imagination is always reſtleſs and ſuggeſts variety of thoughts, and the will, reaſon being laid aſide, is ready for every

extravagant

extravagant project; And in this State, he that goes fartheſt out of the way, is thought fitteſt to lead, and is ſure of moſt followers; And when Faſhion hath once Eſtabliſhed, what Folly or Craft began, Cuſtom makes it Sacred, and 'twill be thought impudence or madneſs, to contradict or queſtion it. He that will impartially ſurvey the World, will find ſo much of the Religion, Government and Manners of the Nations of the World, brought in, and continued by theſe means, that he will have but little Reverence for the Practices, which are in Faſhion amongſt Men, and will have reaſon to think, that the Woods and Foreſts, where the irrational untaught Inhabitants keep right by following nature, are fitter to give us Rules, then Cities and Palaces, where thoſe that call themſelves civil and rational, go out of their way, by the Authority of Example.

59. Be it then as Sr. *Rob.* ſays, that *Anciently*, it was *uſual* for Men, to *ſell and caſtrate their Children*, *O.* 155. Let it be, that they expoſe them, add to it, if you pleaſe, for this is ſtill greater Power, that they begat them for their Tables to fat and eat them, if this proves a right to do ſo, we may by the ſame Argument, juſtifie Adultery, Inceſt and Sodomy, for there are examples

of

of these too, both Ancient and Modern; Sins, which I suppose, have their Principal Aggravation from this, that they cross the main intention of nature, which willeth the increase of Mankind, and the continuation of the Species in the highest perfection and the distinction of Families, with the security of the Marriage Bed, as necessary thereunto.

60. In confirmation of this Natural Authority of the Father, our *A--* brings a Lame Proof, from the positive command of God in Scripture; His Words are, *to confirm the natural Right of Regal Power, we find in the Decalogue, that the Law which injoyns Obedience to Kings, is delivered in the Term, Honour thy Father*, p. 23. *whereas many confess, that Government only in the Abstract, is the Ordinance of God, they are not able to prove any such Ordinance in the Scripture, but only in the Fatherly Power, and therefore we find the Commandment that injoyns Obedience, to Superiors, given in the Terms, Honour thy Father; so that not only the Power and Right of Government, but the Form of the Power Governing, and the Person having the Power, are all the Ordinances of God. The first Father had not only simply Power, but Power Monarchical, as he was Father immediately from God*, O. 254. To the same purpose, the same Law is cited

cited by our *A--* in ſeveral other places, and juſt after the ſame Faſhion, that is, *and Mother*, as Apocriphal Words, are always left out; a great Argument of our *A--s* ingenuity, and the goodneſs of his Cauſe, which required in its Defender, Zeal to a degree of warmth, able to warp the Sacred Rule of the Word of God, to make it comply with his preſent occaſion, a way of proceeding, not unuſual to thoſe, who imbrace not truths, becauſe Reaſon and Revelation offers them, but eſpouſe Tenets and Parties, for ends different from Truth, and then reſolve at any rate to defend them; And ſo do with the Words and Senſe of Authors, they would fit to their purpoſe, juſt as *Procuſtes* did with his gueſts, top or ſtretch them, as may beſt fit them to the ſize of their Notions, and they always prove like thoſe, ſo ſerved, deformed and uſeleſs.

61. For had our *A—* ſet down this command without Garbling, as God gave it, and joyned *Mother* to Father, every Reader would have ſeen, that it had made directly againſt him, and that it was ſo far from Eſtabliſhing the *Monarchical Power of the Father*, that it ſet up the *Mother* equal with him, and injoyn'd nothing but what was due in common, to both Father and Mother; for that is the

conſtant

conſtant Tenor of the Scripture, *Honour thy Father and thy Mother*, Exod. 20. *He that ſmiteth his Father or Mother, ſhall ſurely be put to death*, 21. 15. *He that Curſeth his Father or his Mother, ſhall ſurely be put to death*, *ver.* 17. Repeated *Lev.* 20. 9. and by our Saviour, *Math.* 15. 4. *ye ſhall fear every Man his Mother and his Father*, Lev. 19. 3. *If a Man have a Rebellious Son, which will not obey the voice of his Father or the voice of his Mother, then ſhall his Father and his Mother lay hold on him, and ſay this our Son is Stuborn and Rebellious, he will not obey our voice*, Deut. 21. 18, 19, 20, 21. *Curſed be he that ſetteth light by his Father or his Mother*, 28. 16. *my Son, hear the inſtructions of thy Father, and forſake not the Law of thy Mother*, are the Words of *Solomon* a King, who was not ignorant of what belonged to him, as a Father or a King, and yet he joyns *Father and Mother* together, in all the Inſtructions he gives Children quite through his Book of *Proverbs*, *woe unto him, that ſayeth unto his Father, what begetteſt thou, or to the Woman, what haſt thou brought forth*, Iſa. 11. v. 10. *In thee have they ſet light by Father or Mother*, Ezek. 28. 2. *And it ſhall come to paſs, that when any ſhall yet Propheſy, then his Father and his Mother that begat him, ſhall ſay unto him, thou ſhalt not live, and his Father and his*

Mother

Mother that begat him ſhall thruſt him through when he Propheſieth, Zech. 13. 3. Here not the Father only, but Father and Mother joyntly, had Power in this Caſe of Life and Death. Thus ran the Law of the Old Teſtament, and in the New they are likewiſe joyn'd, in the Obedience of their Children, *Eph.* 6. 1. The rule is, *Children obey your Parents*, and I do not remember, that I any where read, Children obey your *Father* and no more, the Scripture joyns *Mother* too in that homage, which is due from Children, and had there been any Text, where the honour or obedience of Children, had been directed to the *Father* alone, 'tis not likely that our *A*—, who pretends to Build all upon Scripture, would have omitted it, nay the Scripture makes the Authority of *Father and Mother*, in reſpect of thoſe they have begot, ſo equal that in ſome places it neglects, even the Priority of Order, which is thought due to the Father, and the *Mother* is put firſt, as *Lev.* 19. 3. from which ſo conſtantly joyning Father and Mother together, as is found quite through the Scripture, we may conclude that the honour they have a Title to from their Children, is one common right belonging ſo equally to them both, that neither can claim it wholly, neither can be excluded.

62. One

62. One would wonder then how our *A--* infers from the *5th* Commandment, that all *Power was Originally in the Father.* How he finds *Monarchical Power of Government, ſettled and fixed by the Commandment, Honour thy Father* and thy Mother; If all the honour due by the Commandments, be it what it will, be the only right of the *Father*, becauſe he, as our *A--* ſays, *has the Sovereignty over the Woman, as being the Nobler and Principal Agent in Generation*, why did God afterwards all along joyn the *Mother* with him, to ſhare in this honour, can the Father by this Sovereignty of his diſcharge the Child from Paying this *Honour* to his *Mother.* The Scripture gave no ſuch Licenſe to the Jews, and yet there were often Breaches wide enough betwixt Husband and Wife, even to divorce and ſeperation, and I think no Body will ſay, a Child may withhold honour from his Mother, or as the Scripture Terms it, *ſet light by her*, though his Father ſhould command him to do ſo, no more then the Mother could diſpenſe with him, for neglecting to *Honour* his Father, whereby 'tis plain, that this command of God, gives the Father no Sovereignty, no Supremacy.

63. I agree with our *A--*, that the Title to this *Honour*, is veſted in the Parents by

by nature, and is a right which accrews to them, by their having begotten their Children, and God by many positive Declarations has confirm'd it to them, I also allow our *A--s* Rule, *that in Grants and Gifts, that have their Original from God and Nature, as the Power of the Father*, let me add and *Mother*, for whom God hath joyned together, let no Man put a sunder, *no inferior Power of Men can limit, nor make any Law of Prescription against them*, O. 158. So that the Mother having by this Law of God, a right to Honour from her Children, which is not Subject to the Will of her Husband, we see this *Absolute Monarchical Power of the Father*, can neither be founded on it, nor consist with it; And he has a Power very far from *Monarchical*, very far from that Absoluteness our *A--* contends for, when another has over his Subjects the same Power he hath, and by the same Title, and therefore he cannot forbear saying himself, that *he cannot see how any Mans Children can be free from Subjection to their Parents*, p. 12. which in common Speech, I think signifies *Mother* as well as *Father*, or if *Parents* here signifies only *Father*, 'tis the first time I ever yet knew it to do so, and by such an use of Words, one may say any thing.

64. By

64. By our *A--s* Doctrin, the Father having Absolute jurisdiction over his Children, has also the same over their Issue, and the consequence is good, were it true, that the Father had such a Power, and yet I ask our *A--* whether the Grand-father by his Sovereignty, could discharge the Grand-Child from Paying to his Father, the honour due to him by the *5th* Commandment; If the Grand-Father, hath by *right of Fatherhood*, Sole Sovereign Power in him, and by *Honour thy Father* be commanded, that Obedience which is due to the Sovereign, 'tis certain the Grand-Father might dispence with the Grand-Sons Honouring his Father, which since 'tis evident in common Sense, he cannot 'tis evident *Honour thy Father and Mother*, cannot mean an Absolute Subjection to a Sovereign Power, but something else. The right therefore which Parents have by nature, and which is confirmed to them by the *5th* Commandment, cannot be that Political Dominion, which our *A--* would derive from it, for that being in every civil Society, Supream somewhere, can discharge any Subject, from any Political Obedience, to any one of his fellow Subjects. But what Law of the Magistrate, can give a Child liberty, not to *Honour his Father and Mother*; 'tis an eternal Law, annex'd purely to

the relation of Parents and Children, and ſo contains nothing of the Magiſtrates Power in it, nor is Subjected to it.

65. Our *A--* ſays, *God hath given to a Father, a right or liberty to Alien his Power over his Children to any other, Or* 155. I doubt whether he can *Alien*, wholly the right of *Honour* that is due from them; But be that as it will, this I am ſure, he cannot *Alien*, and retain the ſame Power, if therefore the Magiſtrates Sovereignty, be as our *A--* would have it, *nothing but the Authority of a Supream Father, p.* 23. 'tis unavoidable, that if the Magiſtrate hath all this Paternal Right as he muſt have, if *Fatherhood* be the Fountain of all Authority, then the Subjects though Fathers, can have no Power over their Children, no right to honour from them; for it cannot be all in anothers hands, and a part remain with them, ſo that according to our *A--s* own Doctrin, *Honour thy Father and Mother*, cannot poſſibly be underſtood of Political Subjection and Obedience, ſince the Laws both in the Old and New Teſtament, that commanded Children to *Honour and obey their Parents*, were given to ſuch, whoſe Fathers were under ſuch Government, and fellow Subjects with them in Political Societies, and to have bid them *Honour and obey their Parents* in our *A--s* Senſe, had been to bid them be

Subjects

Subjects to thoſe, who had no Title to it, the right to Obedience from Subjects, being all veſted in another, and inſtead of teaching Obedience, this had been to foment Sedition, by ſetting up Powers that were not ; If therefore this command, *Honour thy Father and Mother*, concern Political Dominion, it directly overthrows our *A--s* Monarchy, ſince it being to be paid by every Child to his Father, even in Society, every Father muſt neceſſarily have Political Dominion, and there will be as many Sovereigns, as there are Fathers, beſides that the Mother too hath her Title, which deſtroys the Sovereignty of one Supream Monarch. But if *Honour thy Father and Mother*, mean ſomething diſtinct from Political Power, as neceſſarily it muſt, it is beſides our *A--s* buſineſs, and ſerves nothing to his purpoſe.

66. *The Law that enjoyns Obedience to Kings is delivered*, ſays our A--, *in the Terms, Honour thy Father, as if all Power were Originally in the Father*, O. 254. And that Law is alſo delivered, ſay I, in the Terms, *Honour thy Mother*, as if all Power were Originally in the Mother, I appeal whether the Argument be not as good on one ſide as the other, *Father* and *Mother* being joyned all along in the Old and New Teſtament, where Honour or Obedience is injoyn'd Children, again

our *A*-- tells us, *O.* 254. *that this command Honour thy Father gives the right to govern, and makes the Form of Government Monarchical.* To which I answer, that, if by *Honour thy Father*, be meant Obedience to the Political Power of the Magistrate, it concerns not any duty we owe to our Natural Fathers who are Subjects, because they by our *A—s* Doctrin, are divested of all that Power, it being placed wholly in the Prince, and so being equally Subjects and Slaves with their Children, can have no right by that Title, to any such *Honour or Obedience* as contains in it Political Subjection; If *Honour thy Father and Mother* signifies the duty we owe our Natural Parents, as by our Saviours Interpretation, *Math.* 15. 4. and all the other mention'd places, 'tis plain it does, then it cannot concern Political Obedience, but a duty that is owing to Persons, who have no Title to Sovereignty, nor any Political Authority, as Magistrates over Subjects, for the Person of a private Father, and a Title to Obedience, due to the Supream Magistrate, are things inconsistent, and therefore this command, which must necessarily comprehend the Persons of our Natural Fathers, must mean a duty we owe them distinct from our Obedience to the Magistrate,

giſtrate, and from which the moſt Abſolute Power of Princes cannot abſolve us, what this duty is, we ſhall in its due place examin.

67. And thus we have at laſt got through all that in our *A--* looks like an Argument for that *Abſolute unlimited Sovereginty* deſcribed, Sect. 8. which he ſuppoſes in *Adam*, ſo that Mankind ever ſince have all been born *ſlaves*, without any Title to Freedom; But if *Creation* which gave nothing but a Being, *made* not *Adam Prince of his Poſterity*; If *Adam*, *Gen.* 1. 28. was not conſtituted Lord of Mankind, nor had a *Private Dominion* given him excluſive of his Children, but only a Right and Power over the Earth, and inferiour Creatures in common with the Children of Men; If alſo *Gen.* 3. 16. God gave not any Political Power to *Adam* over his Wife and Children, but only Subjected *Eve* to *Adam*, as a puniſhment, or foretold the Subjection of the weaker Sex, in the ordering the common concernments of their Families, but gave not thereby to *Adam*, as to the Husband Power of Life and Death, which neceſſarily belongs to the Magiſtrate; if Fathers by begetting their Children acquire no ſuch Power over them, and if the command *Honour thy Father and Mother*, give it not

but only enjoyns a duty owing to Parents equally, whether Subjects or not, and to the *Mother* as well as the *Father*; If all this be so as I think, by what has been said, is very evident, then Man has a *Natural Freedom*, notwithstanding all our *A--* confidently says to the contrary, since all that share in the same common Nature, Faculties and Powers are in Nature equal, and ought to partake in the same common Rights and Priviledges, till the manifest appointment of God, who is *Lord over all Blessed for ever*, can be produced to shew any Particular Persons Supremacy, or a Mans own Consent Subjects him to a Superior. This is so plain that our *A--* confesses, that Sr. *John Heyward*, *Blacwood and Barclay the great vindicators of the Right of Kings*, could not deny it, but *admit with one consent the Natural Liberty and Equality of Mankind*, for a Truth unquestionable. And our *A--* hath been so far from producing any thing, that may make good his great Position, that *Adam was Absolute Monarch*, and so *Men are not Naturally free*, that even his own Proofs make against him, so that to use is own way of Arguing. *This first erroneous Principle failing, the whole Fabrick of this vast engine* of Absolute Power and Tyranny, *drops down of it self*, and there needs

needs no more to be ſaid in anſwer to all that he builds upon, ſo falſe and frail a Foundation.

68. But to ſave others the pains, were there any need, he is not ſparing himſelf to ſhew by his own contradictions, the weakneſs of his own Doctrins, *Adams* Abſolute and Sole Dominion is that which he is every where full of, and all along builds on, and yet he tells us, *p.* 12. *that as Adam was Lord of his Children, ſo his Children under him had a Command and Power over their own Children.* The unlimited and undivided Sovereginty of *Adams Fatherhood*, by our *A--s* computation, ſtood but a little while, only during the firſt Generation, but as ſoon as he had Grand-Children, Sr. *Rob.* could give but a very ill account of it, *Adam* as Father of his Children ſaith he, *hath an Abſolute, Unlimited Royal Power over them, and by vertue thereof over thoſe that they begot, and ſo to all Generations*, and yet *his Children*, viz. *Cain* and *Seth* have a Paternal Power over their Children at the ſame time, ſo that they are at the ſame time *Abſolute Lords*, and yet *Subjects and Slaves*; *Adam* has all the Authority, as *Grand-Father of his People*, and they have a part as Fathers; He is Abſolute over them and their Poſterity, by having begotten them, and

yet they are Absolute over their Children by the same Title, no says our *A*—, *Adams Children under him, had Power over their own Children, but still with Subordination to the the first Parent.* A good distinction that sounds well, and 'tis pitty it signifies nothing, nor can be reconciled with our *A--s* Words, I readily grant that supposing *Adams Absolute Power* over his Posterity, any of his Children might have from him a delegated, and so a *Subordinate* Power, over a part or all the rest; But that cannot be the Power our *A--* speaks of here, it is not a Power by Grant and Commission, but the Natural Paternal Power, he supposes a Father to have over his Children; for 1°, he says as *Adam was Lord of his Children, so his Children under him, had a Power over their own Children*; They were then Lords over their own Children after the same manner, and by the same Title that *Adam* was, *i. e.* by right of Generation, by right of *Fatherhood*; 2°, 'tis plain he means the Natural Power of Fathers, because he limits it to be only *over their own Children*, a delegated Power, has no such limitation, as only over their own Children, it might be over others, as well as their own Children; 3°, If it were a delegated Power, it must appear in Scripture, but there is no ground

ground in Scripture to affirm that *Adam*'s Children, had any other Power over theirs, then what they naturally had as Fathers.

69. But that he means here Paternal Power, and no other, is paſt doubt from the Inference he makes in theſe words immediately following, *I ſee not then how the Children of* Adam *or of any Man elſe can be free from Subjection to their Parents*, whereby it appears that the *Power* on one ſide and the *Subjection* on the other, our *A*- here ſpeaks of, is that *Natural Power* and *Subjection* between Parents and Children; for that which every Mans Children owed could be no other, and that our *A*-- always affirms to be abſolute and unlimited, This natural *Power* of Parents over their Children, *Adam* had over his Poſterity, ſays our *A*--, and this *Power* of Parents over their Children, his Children had over theirs in his Life time, ſays our *A*-- alſo; ſo that *Adam* by a natural Right of Father, had an abſolute, unlimited Power over all his Poſterity, and at the ſame time his Children had by the ſame Right abſolute unlimited Power over theirs, here then are two abſolute unlimited Powers exiſting together, which I would have any body reconcile one to another, or to common Senſe; for the *Salvo*, he

he has put in of *Subordination*, makes it more abſurd: To have one *Abſolute*, *Unlimited*, nay *Unlimitable Power* in Subordination to another, is ſo manifeſt a Contradiction, that nothing can be more, *Adam is Abſolute Prince with the Unlimited Authority of Fatherhood over all his Poſterity*; All his Poſterity are then abſolutely his Subjects, and, as our *A*-- ſays, his *Slaves*, Children and Grand Children are equally in this State of Subjection and Slavery, and yet ſays our *A*--, *the Children of* Adam *have paternal*, i. e. Abſolute, Unlimited *Power over their own Children*, which in plain *Engliſh* is, they are Slaves and Abſolute Princes at the ſame time, and in the ſame Government, and one part of the Subjects have an Abſolute Unlimited Power over the other by the natural Right of Parentage.

70. If any one will ſuppoſe in favour of our *A*-- that he here meant that Parents who are in Subjection themſelves to the Abſolute Authority of their Father, have yet ſome Power over their Children: I confeſs he is ſomething nearer the truth, but he will not at all hereby help our *A*--; for he no where ſpeaking of the Paternal Power, but as an Abſolute Unlimited Authority, cannot be ſuppos'd to underſtand any thing elſe here,

here, unleſs he himſelf had limited it and ſhewed how far it reach'd: And that he means here paternal Authority in that large Extent is plain from the immediate following words; *This Subjection of Children being*, ſays he, *the Fountain of all Regal Authority*, p. 12. *The Subjection*, then that in the former Line, he ſays, *every Man is in to his Parents*, and conſequently what *Adam's* Grand Children were in to their Parents, was that which was the Fountain of all *Regal Authority*, *i. e.* According to our *A--s Abſolute, Unlimitable* Authority, and thus *Adams* Children had *Regal Authority* over their Children, whilſt they themſelves were Subjects to their Father, and Fellow Subjects with their Children; But let him mean as he pleaſes, 'tis plain he allows *Adams Children to have Paternal Power*, p. 12. as all other Fathers to have *Paternal Power over their Children*, O. 156. From whence one of theſe two things will neceſſarily follow, that, either *Adams* Children even in his life time, had, and ſo all other Fathers have, as he Phraſes it, p. 12. *By Right of Fatherhood Royal Authority over their Children*, or elſe, that *Adam by Right of Fatherhood had not Royal Authority:* For it muſt be that *Paternal Power* does, or does not, give *Royal Authority* to them that have it: If it does not,

not, then *Adam* could not be Sovereign by this Title, nor any body elſe, and then there is an end of all our *A*'s Politics at once; If it does give *Royal Authority*, then every one that has *Paternal Power* has *Royal Authority*, and then by our *A--s* Patriarchal Government, there will be as many Kings as there are Fathers.

71. And thus what a Monarchy he hath ſet up, let him and his Diſciples conſider, Princes certainly will have great Reaſon to thank him for theſe new Politics, which ſet up as many Abſolute Kings in every Country as there are Fathers of Children, and yet who can blame our *A--* for it, it lying unavoidably in the way of one diſcourſing upon our *A--s* Principles; For having placed an *Abſolute Power* in *Fathers by Right of Begetting*, he could not eaſily reſolve how much of this Power belong'd to a Son over the Children he had begotten; And ſo it fell out to be a very hard matter to give all the Power, as he does, to *Adam*, and yet allow a part in his Life time to his Children, when they were Parents, and which he knew not well how to deny them, this makes him ſo doubtful in his Expreſſions, and ſo uncertain where to place this Abſolute Natural Power, which he calls Fatherhood; ſometimes, *Adam* alone has it all, as *p.* 13. *O.* 244, 245. *& pref.* Some-

Sometimes *Parents* have it, which word ſcarce ſignifies the Father alone, *p.* 12, 19.

Sometimes *Children* during their Fathers life time, as *p.* 12.

Sometimes *Fathers* of *Families*, as *p.* 78, and 79.

Sometimes *Fathers* indefinitely, *O.* 155.

Sometimes the *Heir to Adam*, *O.* 253.

Sometimes *the Poſterity of Adam*, 244. 246.

Sometimes *prime Fathers*, *all Sons or Grand Children of* Noah, *O.* 244.

Sometimes *the Eldeſt Parents*, *p.* 12.

Sometimes all Kings, *p.* 19.

Sometimes all that have Supream Power, *O.* 245.

Sometimes *Heirs to thoſe firſt Progenitors, who were at firſt the natural Parents of the whole People*, *p.* 19.

Sometimes an Elective King, *p.* 23.

Sometimes thoſe whether a few or a Multitude that govern the *Commonwealth*, *p.* 23.

Sometimes he that can catch it, an *Uſurper*, *p.* 23. *O.* 155.

72. Thus this *new nothing*, that is to carry with it all Power, Authority and Government; *This Fatherhood* which is to deſign the Perſon and Eſtabliſh the Throne of Monarchs, whom the People are to obey, may, according to Sir *Robt.* come into

into any hands, any how, and ſo by his Politics give to Democracy Royal Authority, and make an Uſurper a lawful Prince. And if it will do all theſe fine Feats, much good do our Author and all his Followers with their omnipotent *Fatherhood*, which can ſerve for nothing but to unſettle and deſtroy all the lawful Governments in the World, and to Eſtabliſh in their room Diſorder, Tyranny and Uſurpation.

CHAP. VII.

Of Fatherhood and Propriety Conſidered together as Fountains of Sovereignty.

73. IN the foregoing Chapters we have ſeen what *Adams* Monarchy was, in our *A--s* Opinion, and upon what Titles he founded it: And the Foundations which he lays the chief ſtreſs on, as thoſe from which he thinks he may beſt derive Monarchical Power to future Princes, are two, *viz. Fatherhood and Property*, and therefore the way he propoſes to *remove the Abſurdities and Inconveniences of the Doctrine*

Doctrine of Natural Freedom, is, *to maintain the Natural and Private Dominion of* Adam, *O.* 222. Conformable hereunto he tells us the *Grounds and Principles of Government, neceſſarily depend upon the Original of Property*, O. 108. *The Subjection of Children to their Parents is the Fountain of all Regal Authority*, p. 12. And *all Power on Earth is either derived or uſurped from the Fatherly Power, there being no other Original to be found of any Power whatſoever*, *O.* 158. I will not ſtand here to examine how it can be ſaid without a contradiction, that the *firſt Ground and Principles of Government neceſſarily depend upon the Original of Property*, and yet, *that there is no other Original of any Power whatſoever, but that of the Father*: It being hard to underſtand how there can be *no other Original* but *Fatherhood*, and yet that the *Grounds and Principles of Government depend upon the Original of Property*; *Property and Fatherhood* being as far different as Lord of a Mannor and Father of Children, nor do I ſee how they will either of them agree with what our *A--* ſays, *O.* 244. of Gods Sentence againſt *Eve*, *Gen.* 111. 16. *That it is the Original Grant of Government*, ſo that if that were the *Original*, Government had not its *Orignal* by our *A--s* own Confeſſion, either from *Property*

perty or *Fatherhood*, and this Text which he brings as a proof of *Adam*'s Power over *Eve* neceſſarily Contradicts what he ſays of the *Fatherhood*, that it is the *Sole Fountain of all Power*; for if *Adam* had any ſuch Regal Power over *Eve*, as our *A--* contends for; it muſt be by ſome other Title then that of begetting.

74. But I leave him to reconcile theſe Contradictions as well as many others, which may plentifully be found in him by any one, who will but read him with a little Attention, and ſhall come now to conſider how theſe two Originals of Government, *Adam*'s *Natural* and *Private Dominion* will conſiſt and ſerve to make out and Eſtabliſh the Titles of Succeeding Monarchs, who, as our *A--* obliges them, muſt all derive their Power from theſe *Fountains*. Let us then ſuppoſe *Adam* made *by Gods Donation* Lord and ſole Proprietor of the whole Earth, in as large and ample a manner, as Sir *Robt.* could wiſh, let us ſuppoſe him alſo *by Right of Fatherhood* Abſolute Ruler over his Children with an unlimited Supremacy, I ask them upon *Adam*'s Death what becomes of his *Natural* and *Private Dominion*, and I doubt not, 'twill be anſwered, that they deſcended to his next Heir, as our *A-* tells us in ſeveral places, but that cannot

cannot possibly convey both his *Natural* and *Private Dominion* to the same Person; for should we allow that all the Propriety, all the Estate of the Father ought to descend to the Eldest Son, which will need some proof to Establish it, and so he have by that Title all the *Private Dominion* of the Father, yet the Fathers *Natural Dominion*, the paternal Power cannot descend to him by Inheritance; for being a Right that accrews to a Man only by *begetting*, no Man can have this natural Dominion over any one, he does not *beget*, unless it can be suppos'd that a Man can have a Right to any thing, without doing that upon which that Right is solely founded. For if a Father by *begetting* and no other Title has *Natural Dominion* over his Children, he that does not beget them cannot have this *Natural Dominion* over them, and therefore be it true or false, that our *A*— says, *O.* 156. *That every Man that is born by his very Birth becomes a Subject to him that begets him*, this necessarily follows, *viz.* That a Man by his Birth cannot become a Subject to his Brother who did not beget him, unless it can be suppos'd that a Man by the very same Title can come to be under the *Natural and Absolute Dominion* of two different Men at once, or it be Sense to say, that a

Man by Birth is under the *Natural Dominion* of his Father only, becauſe he begat him, and a Man by Birth alſo is under the *Natural Dominion* of his Eldeſt Brother, though he did not beget him.

75. If then the *Private Dominion* of *Adam*, his Property in the Creatures deſcended at his Death all entirely to his Eldeſt Son, his Heir; (for if it did not there is preſently an end of all Sir *Robt's.* Monarchy and his *Natural Dominion*) the Dominion a Father has over his Children by begetting them, belong'd equally to all his Sons who had Children by the ſame Title their Father had, it immediately upon *Adams* Deceaſe; the Sovereignty founded upon *Property*, and the Sovereignty founded upon *Fatherhood*, come to be divided, ſince *Cain* as Heir had that of *Property* alone, *Seth* and the other Sons that of *Fatherhood* equally with him. This is the beſt can be made of our *A-s* Doctrine and of the two Titles of Sovereignty he ſets up in *Adam*, one of them will either ſignifie nothing, or if they both muſt ſtand they can ſerve only to confound the Rights of Princes, and diſorder Government in his Poſterity; for by building upon two Titles to Dominion, which cannot deſcend together, and which he allows may be ſeparated, for he yields that *Adams*

Adams Children had their distinct Territories by Right of Private Dominion, O. 210. p. 40. He makes it perpetually a doubt upon his Principles where the Sovereignty is, or to whom we owe our Obedience, since *Fatherhood* and *Property* are distinct Titles, and began presently upon *Adams* Death to be in distinct Persons, And which then was to give way to the other?

76. Let us take the account of it, as he himself gives it us. He tells us out of *Grotius*, that *Adams Children by Donation, Assignation or some kind of Cession before he was dead had their distinct Territories by Right of private Dominion*, Abel *had his Flocks and Pastures for them*, Cain *had his Fields for Corn and the Land of* Nod *where he Built him a City*, O. 210. Here 'tis obvious to demand which of these two after *Adams* Death was Sovereign, *Cain* says our *A-*, p. 19. By what Title? *As Heir for Heirs to Progenitors, who were natural Parents of their People, are not only Lords of their own Children, but also of their Brethren*, says our *A-*, p. 19. What was *Cain* Heir to? not the entire Possessions, not all that which *Adam* had *Private Dominion* in, for our *A-* allows that *Abel* by a Title derived from his Father, *had his distinct Territory for Pasture by Right of Private Dominion*, what then *Abel* had by *Private Dominion*, was exempt from

Cains Dominion, for he could not have *Private Dominion* over that, which was under the Private Dominion of another, and therefore his Sovereignty over his Brother is gone with this *Private Dominion*, and ſo there are preſently two Sovereigns and his imaginary Title of *Fatherhood* is out of doors, and *Cain* is no Prince over his Brother, or elſe if *Cain* retain his Sovereignty over *Abel* notwithſtanding his *Private Dominion*, it will follow that the *firſt Grounds and Principles of Government* have nothing to do with *Property* whatever our *A-* ſays to the contrary; 'Tis true, *Abel* did not out-live his Father *Adam*, but that makes nothing to the Argument which will hold good againſt Sir *Robt.* in *Abels* Iſſue, or in *Seth*, or any of the Poſterity of *Adam*, not deſcended from *Cain*.

77. The ſame inconvenience he runs into about *the three Sons of Noah*, who as he ſays, *p.* 13. *had the whole World divided amongſt them by their Father*, I ask then in which of the three ſhall we find *the Eſtabliſhment of Regal Power* after *Noahs* Death; If in all three as our *A--* there ſeems to ſay: Then it will follow that Regal Power is founded in Property of Land and follows *Private Dominion*, and not in *paternal Power* or *natural Dominion*, and ſo there is an end of paternal Power as the Fountain

Fountain of Regal Authority, and the ſo much magnified *Fatherhood* quite vaniſhes. If the *Regal Power* deſcended to *Shem* as Eldeſt and Heir to his Father, then *Noahs Diviſion of the World by Lot to his Sons or his* 10 *Years ſayling about the mediterranean to appoint each Son his part*, which our *A.* tells of, *p.* 15. was labour loſt, his Diviſion of the World to them, was to ill or to no purpoſe, for his Grant to *Cham* and *Japhet* was little worth if *Shem* notwithſtanding this Grant, as ſoon as *Noah* was dead, was to be Lord over them. Or, if this Grant of *Private Dominion* to them over their aſſigned Territories were good, here were ſet up two diſtinct ſorts of Power, not Subordinate one to the other with all thoſe inconveniences which he muſters up againſt the *Power of the People. O.* 158. and which I ſhall ſet down in his own words only changing *Property* for *People*. *All Power on Earth is either derived or uſurped from the Fatherly Power, there being no other Original to be found of any Power whatſoever, for if there ſhould be granted two ſorts of Power without any Subordination of one to the other, they would be in perpetual ſtrife, which ſhould be Supream, for two Supreams cannot agree: If the Fatherly Power be Supream, then the Power grounded on Private Dominion muſt be ſubordinate and depend on it,*

and if the Power grounded on Property *be Supream, then the Fatherly Power must submit to it, and cannot be exercised without the Licence of the Proprietors, which must quite destroy the Frame and Course of Nature.* This is his own arguing against two distinct Independent Powers, which I have set down in his own words, only putting Power rising from Property, for *Power of the People*, and when he has answered what he himself has urged here against two distinct Powers, we shall be better able to see how with any tolerable Sense, he can derive all Regal Authority *from the natural and Private Dominion of* Adam, from *Fatherhood* and *Property* together, which are distinct Titles that do not always meet in the same Person, and 'tis plain by his own Confession, presently seperated as soon both as *Adam's* and *Noah's* Death made way for Succession; Though our *A-* frequently in his Writings jumbles them together, and omits not to make use of either, where he thinks it will sound best to his purpose, but the Absurdities of this will more fully appear in the next Chapter, where we shall examine the ways of conveyance of the Soveriegnty of *Adam*, to Princes that were to Reign after him.

CHAP.

CHAP. VIII.

Of the Conveyance of Adams *Sovereign Monarchical Power.*

78. SR. *Rob.* having not been very happy in any Proofs, he brings for the Sovereignty of *Adam*, is not much more fortunate in conveying it to future Princes, who if his Polities be true, muſt all derive their Titles from him; The ways he has aſſigned, as they lye ſcatter'd up and down in his Writings, I will ſet down in his own Words; In his Preface he tells us, that *Adam being Monarch of the whole World, none of his Poſterity had any right to poſſeſs any thing, but by his Grant or Permiſſion, or by Succeſſion from him*, here he makes two ways of conveyance of any thing, *Adam* ſtood poſſeſſed of, and thoſe are *Grant* or *Succeſſion*. *All Kings either are, or are to be, reputed the next Heirs to thoſe firſt Progenitors, who were at firſt the natural Parents of the whole People*, p. 19. *There cannot be any multitude of Men whatſoever, but that in it, conſider'd by it ſelf, there is one Man amongſt them, that in nature hath a right to be the King of all the reſt, as being the next Heir to Adam*, *Q.* 253. Here in theſe places *Inheritance*

is the only way he allows of, conveying Monarchical Power to Princes, *O.* 155. *All Power on Earth is either derived or uſurped from the Fatherly Power*, O. 158. *All Kings that now are, or ever were, are or were either Fathers of their People, or the Heirs of ſuch Fathers or Uſurpers of the right of ſuch Fathers*, *O.* 253. And here he makes *Inheritance* or *Uſurpation*, the only ways whereby Kings come by this Original Power; But yet he tells us, *this Fatherly Empire, as it was of its ſelf Hereditary, ſo it was alienable by Patent, and ſeizable by an Uſurper*, *O.* 190. So then here Inheritance, Grant or Uſurpation will convey it; And laſt of all, which is moſt admirable he he tells us, *p.* 100. *It ſkils not which way Kings come by their Power, whether by Election, Donation, Succeſſion, or by any other means, for it is ſtill the manner of the Government by Supream Power, that makes them properly Kings, and not the means of obtaining their Crowns*, which I think is a full anſwer to all his whole *Hypotheſis*, and Diſcourſe about *Adams* Royal Authority, as the Fountain from which all Princes were to derive theirs; And he might have ſpared the trouble of ſpeaking ſo much, as he does, up and down of Heirs and Inheritance, if to make any one *Properly a King*, needs no more but

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Governing by Supream Power, and it matters not by what means he came by it.

79. By this notable way, our *A--* may make *Oliver* as *Properly King*, as any one elſe he could think of; And had he had the Happineſs to live under *Maſſanellos* Government, he could not by this his own Rule, have forborn to have done Homage to him, with *O King live for ever*, ſince the manner of his Government by Supream Power, made him *Properly* King, who was but the day before, *Properly* a Fiſher-man; And if *Don Quixot*, had taught his Squire to govern with Supream Authority, our *A--* no doubt could have made a moſt Loyal Subject, in *Sancho Pancha's Iſland*, and he muſt have deſerved ſome Preferment in ſuch Governments, ſince I think he is the firſt Politician, who pretending to ſettle Government upon its true Baſis, and to eſtabliſh the Thrones of lawful Princes ever tould the World, that he was *Properly a King, whoſe manner of Government was by Supream Power, by what means ſoever he obtained it*, which in plain *Engliſh*, is to ſay, that Regal and Supream Power, is properly and truly his, who can by any means ſeize upon it, and if this be, to be *Properly a King*, I wonder how he came to think of, or where he will find, an *Uſurper*.

80. This

80. This is so strange a Doctrin, that the surprize of it, hath made me pass by, without their due reflection, the contradictions he runs into, by making sometimes *Inheritance* alone, sometimes only *Grant* or *Inheritance*, sometimes only *Inheritance* or *Usurpation*, sometimes all these three, and at last *Election* or *any other means*, added to them, the ways whereby *Adam's* Royal *Authority*, that is, his right to Supream Rule, could be convey'd down to future Kings and Governors, so as to give them a Title to the Obedience and Subjection of the People, but these contradictions lye so open, that the very reading of our *A.'s* own words, will discover them to any ordinary understanding; and though what I have quoted out of him, with abundance more of the same Strain and Coherence which might be found in him, might well excuse me from any farther trouble in this Argument, yet having proposed to my self, to examin the main parts of his Doctrin, I shall a little more particularly consider how *Inheritance*, *Grant*, *Usurpation*, or *Election*, can any way make out Government in the World upon his Principles, or derive any lawful Title to any ones Obedience, from this Regal Authority of *Adam*, had it been never so well proved

proved, that he had been Abſolute Monarch, and Lord of the whole World.

CHAP. IX.

Of Monarchy, by Inheritance from Adam.

81. THough it be never ſo plain, that there ought to be Government in the World, nay ſhould all Men be of our *A--s* mind, that divine appointment had ordained it to be *Monarchical*, yet ſince Men cannot obey any thing, that cannot command, and Ideas of Government in the Phanſy, though never ſo perfect, never ſo right, cannot give Laws, nor preſcribe Rules to the Actions of Men; It would be of no behoof for the ſetling of Order, and Eſtabliſhment of Government in its Exerciſe and Uſe amongſt Men, unleſs there were a way alſo taught how to know the Perſon, to whom it belonged to have this Power, and Exerciſe this Dominion over others. 'Tis in vain then to talk of Subjection and Obedience, without telling us whom we are to obey; For were I never ſo fully perſwaded, that there ought to be Magiſtracy and Rule in the World, yet I am never the leſs at Liberty ſtill, till it appears

pears who is the Perſon, that hath Right to my Obedience, ſince if there be no marks to know him by, and diſtinguiſh him, that hath Right to Rule from other Men, it may be my ſelf, as well as any other; And therefore though Submiſſion to Government be every ones duty, yet ſince that ſignifies nothing, but ſubmitting to the Direction and Laws of ſuch Men, as have Authority to command, 'tis not enough to make a Man a Subject, to convince him that there is *Regal Power* in the World, but there muſt be ways of deſigning, and knowing the Perſon to whom this *Regal Power* of Right belongs, and a Man can never be obliged in conſcience to ſubmit to any Power, unleſs he can be ſatisfied who is the Perſon, who has a Right to Exerciſe that Power over him. If this were not ſo, there would be no diſtinction between Pirates and Lawful Princes, he that has Force is without any more ado to be obey'd, and Crowns and Scepters would become the Inheritance only of Violence and Rapin, Men too might as often and as innocently change their Governors, as they do their Phyſitians, if the Perſon cannot be known, who has a right to direct me, and whoſe Preſcriptions, I am bound to follow; To ſettle therefore Mens Conſciences under

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an Obligation to Obedience, 'tis neceſſary that they know not only that there is a Power ſomewhere in the World, but the Perſon who by Right is veſted with this Power over them.

82. How Succeſsful our *A*— has been in his attempts, to ſet up a *Monarchical Abſolute Power* in *Adam*, the Reader may Judge by what has been already ſaid, but were that *Abſolute Monarchy* as clear as our *A*-- would deſire it, as I preſume it is the contrary, yet it could be of no uſe to the Govrenment of Mankind now in the World, unleſs he alſo make out theſe two things.

Firſt, That this *Power of Adam* was not to end with him, but was upon his Deceaſe conveyed entire to ſome other Perſon, and ſo on to Poſterity.

Secondly, That the Princes and Rulers now on Earth, are poſſeſſed of this *Power of Adam*, by a right way of conveyance derived to them.

83. If the firſt of theſe fail, the *Power of Adam*, were it never ſo great, never ſo certain, will ſignifie nothing to the preſent Government and Societies in the World, but we muſt ſeek out ſome other Original of Power for the Government of Polity's then this of *Adam*, or elſe there will be none at all in the World. If the latter fail

fail, it will deſtroy the Authority of the preſent Governors, and abſolve the People from Subjection to them, ſince they having no better a Claim then others to that Power, which is alone the Fountain of all Authority, can have no Title to Rule over them.

84. Our *A*- having Phanſied an Abſolute Sovereignty in *Adam*, mentions ſeveral ways of its conveyance to Princes, that were to be his Succeſſors, but that which he cheifly inſiſts on, is, that of *Inheritance*, which occurs ſo often in his ſeveral Diſcourſes, and I having in the foregoing Chapter quoted ſeveral of theſe paſſages, I ſhall not need here again to repeat them, this Sovereignty he erects, as had been ſaid upon a double Foundation, *viz.* that of *Property*, and that of *Fatherhood*, one was the right he was ſuppoſed to have in all Creatures, a right to poſſeſs the Earth with the Beaſts, and other inferior Ranks of things in it for his Private uſe, excluſive of all other Men. The other was the Right he was ſuppoſed to have, to Rule and Govern Men, all the reſt of Mankind.

85. In both theſe Rights, there being ſuppoſed an excluſion of all other Men, it muſt be upon ſome reaſon peculiar to *Adam*, that they muſt both be founded. Tha

That of his *Property* our *A*— ſuppoſes, to ariſe from Gods immediate *Donation*, *Gen.* 1. 28. and that of *Fatherhood*, from the Act of *Begetting* now in all Inheritance, if the Heir ſucceed not to the reaſon, upon which his Fathers Right was founded, he cannot ſucceed to the Right which followed from it; For Example, *Adam* had a Right of Property in the Creatures, upon the *Donation* and *Grant* of God Almighty, who was Lord and Proprietor of them all, let this be ſo as our *A*- tell us, yet upon his death, his Heir can have no Title to them, no ſuch right of *Property* in them, unleſs the ſame reaſon, *viz.* Gods *Donation*, veſted a right in the *Heir* too; for if *Adam* could have had no Property in, nor uſe of, the Creatures without this poſitive *Donation* from God, and this *Donation*, were only Perſonally to *Adam*, his *Heir* could have no right by it, but upon his death, it muſt revert to God the Lord and Owner again; for poſitive Grants give no Title farther then the expreſs words convey it, and by which only it is held, and thus, if as our *A*-- himſelf contends, that *Donation*, *Gen.* 1, 28. were made only to *Adam*, perſonally his Heir could not ſucceed to his Property in the Creatures, and if it were a Donation to any but *Adam*, let it be ſhewn, that it

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was to his Heir in our *A-s* Senſe, *i.e.* to one of his Children excluſive of all the reſt.

86. But not to follow our *A-* too far out of the way, the plain of the Caſe is this, God having made Man, and Planted in him, as in all other Animals, a ſtrong deſire of ſelf Preſervation, and furniſhed the World with things fit for Food and Rayment, and other neceſſaries of Life, Subſervient to his deſign, that Man ſhould live and abide for ſome time upon the the Face of the Earth, and not that ſo curious and wonderful a piece of Workmanſhip by its own negligence, or want of neceſſaries, ſhould periſh again, preſently after a few moments continuance: God, I ſay, having made Man and the World, thus ſpoke to him, (that is) directed him by his Senſes and Reaſon, as he did the inferior Animals by their Senſe, and Inſtinct which he had placed in them to that purpoſe, to the uſe of thoſe things, which were ſerviceable for his ſubſiſtence, and gave him the means of his *Preſervation*, and therefore I doubt not, but before theſe words were pronounced, 1 *Gen.* 28. 29. If they muſt be underſtood Litterally to have been ſpoken, or without any ſuch Verbal *Donation*, Man had a right to a Uſe of the Creatures, by the Will and Grant of God, for the deſire, ſtrong deſire

desire of Preserving his Life and Being, having been Planted in him, as a Principle of Action by God himself, Reason, *which was the voice of God in him*, could not but teach him and assure him, that pursuing that natural Inclination he had to preserve his Being, he followed the Will of his Maker, and therefore had a right to make use of those Creatures, which by his Reason or Senses he could discover, would be serviceable thereunto, and thus Mans *Property* in the Creatures, was founded upon the right he had, to make use of those things that were necessary, or useful to his being.

87. This being the Reason and Foundation of *Adams Property*, gave the same Title, on the same Ground, to all his Children, not only after his death, but in his life time, so that here was no Privi-ledge of his *Heir* above his other Children, which could exclude them from an equal right, to the use of the inferior Creatures, for the comfortable Preservation of their Beings. Which is all the *Property* Man hath in them, and so *Adams* Sovereignty built on *Property*, or as our *A--* calls it, *Private Dominion* comes to nothing. Every Man had a right to the Creatures, by the same Title *Adam* had, *viz.* by the right every one had to take

care of, and provide for, their Subſiſtance, and thus Men had a right in common, *Adams* Children in common with him. But if any one had began, and made himſelf a Property in any particular thing, (which how he, or any one elſe, could do, ſhall be ſhewn in another place) that thing, that poſſeſſion, if he diſpos'd not otherwiſe of it by his poſitive Grant, deſcended Naturally to his Children, and they had a right to ſucceed to it, and poſſeſs it.

88. It might reaſonably be asked here, how come Children by this right of poſſeſſing, before any other, the Properties of their Parents upon their Deceaſe, for it being Perſonally the Parents, when they dye, without actually Transferring their Right to another, why does it not return again to the common Stock of Mankind? 'Twill perhaps be anſwered, that common conſent hath diſpoſed of it to the Children. Common Practice, we ſee indeed does ſo diſpoſe of it, but we cannot ſay, that it is the common conſent of Mankind; for that hath never been asked, nor Actually given, and if common tacit Conſent had Eſtabliſh'd it, it would make but a poſitive and not natural Right of Children, to Inherit the Goods of their Parents: But where the Practice is Univerſal,

verſal, 'tis reaſonable to think the Cauſe is natural. The ground then I think to be this; The firſt and ſtrongeſt deſire God Planted in Men, and wrought into the very Principle of their nature, being that of ſelf Preſervation, is the Foundation of a right to the Creatures for their particular ſupport, and uſe of each individual Perſon himſelf. But next to this, God Planted in Men a ſtrong deſire alſo of Propagating their Kind, and continuing themſelves in their poſterity, and this gives Children a Title, to ſhare in the *Property* of their Parents, and a Right to Inherit their Poſſeſſions, Men are not Proprietors of what they have meerly for themſelves, their Children have a Title to part of it, and have their Kind of Right joyn'd with their Parent's, in the Poſſeſſion which comes to be wholly theirs, when death having put an end to their Parents uſe of it, hath taken them from their Poſſeſſions, and this we call Inheritance: Men being by a like Obligation, bound to preſerve what they have begotten, as to preſerve themſelves, their iſſue come to have a Right in the Goods they are poſſeſſed of. And that Children have ſuch a Right is plain from the Laws of God, and that Men are convinced, that Children have ſuch a Right, is Evident from

the Law of the Land, both which Laws require Parents to provide for their Children.

89. For Children being by the courſe of nature, born weak, and unable to provide for themſelves, they have by the appointment of God himſelf, who hath thus ordered the courſe of nature, a right to be nouriſh'd and maintained by their Parents, nay a right not only to a bare Subſiſtance, but to the conveniences and comforts of Life, as far as the conditions of their Parents can afford it; And hence it comes, that when their Parents leave the World, and ſo the care due to their Children ceaſes, the effects of it are to extend as far as poſſibly they can, and the Proviſions they have made in their Life time, are underſtood to be intended as nature requires they ſhould, for their Children, whom after themſelves, they are bound to provide for, though the dying Parents, by expreſs Words, declare nothing about them, nature appoints the the deſcent of their Property to their Children, who thus come to have a Title, and natural Right of Inheritance to their Fathers Goods, which the reſt of Mankind cannot pretend to.

90. Were it not for this right of being nouriſhed, and maintained by their Parents, which God and nature has given to Children,

Children and obliged Parents to, as a duty, it would be reasonable, that the Father should Inherit the Estate of his Son, and be prefer'd in the Inheritance before his Grand Child, for to the Grand Father, there is due a long Score of care and expences laid out upon the Breeding and Education of his Son, which one would think in Justice ought to be paid, but that having been done in Obedience to the same Law, whereby he received Nourishment and Education from his own Parents, this Score of Education received from a Mans Father, is paid by taking care and providing for his own Children (is paid I say, as much as is requir'd of payment by alteration of Property, unless present necessity of the Parents require a return of Goods for their necessary Support and Subsistance, for we are not now speaking of that reverence, acknowledgment, respect and honour that is always due from Children to their Parents, but of possessions and commodities of Life valuable by Money;) But yet this debt to the Children, does not quite cancel the Score due to the Father, but only is made by nature preferable to it; For the debt a Man owes his Father, takes place and gives the Father a Right to Inherit the Sons Goods, where for want of

Iſſue, the Right of Children doth not exclude that Title. And therefore a Man having a Right to be maintain'd by his Children where he needs it, and to injoy alſo the comforts of Life from them, when the neceſſary proviſion due to them and their Children will afford it, if his Son dye without Iſſue, the Father has a right in nature to poſſeſs his Goods, and Inherit his Eſtate (whatever the Municipal Laws of ſome Countries may abſurdly direct otherwiſe,) and ſo again his Children and their Iſſue from him, or for want of ſuch his Father and his Iſſue; But where no ſuch are to be found, *i. e.* no Kindred there we ſee the poſſeſſions of a Private Man, revert to the community, and ſo in Politic Societies come into the hands of the public Magiſtrate, but in the State of nature become again perfectly common, no body having a right to Inherit them, nor can any one have a Property in them, otherwiſe then in other things common by nature, of which I ſhall ſpeak in its due place.

91. I have been the larger, in ſhewing upon what ground Children have a Right to ſucceed to the Poſſeſſion of their Fathers Properties, not only becauſe by it, it will appear, that if *Adam* had a Property (a Titular inſignificant uſeleſs Property; for

for it could be no better, for he was bound to nouriſh and maintain his Children and Poſterity out of it) in the whole Earth and its Product, yet all his Children coming to have by the Law of nature and Right of ſnheritance a joynt Title, and Right of Property in it after his death, it could convey no right of Sovereignty to any one of his Poſterity over the reſt, ſince every one having a right of Inheritance to his portion, they might enjoy their Inheritance, or any part of it in common, or ſhare it, or ſome parts of it, by Diviſion, as it beſt liked them, but no one could pretend to the whole Inheritance, or any Sovereignty ſuppoſed to accompany it, ſince a right of Inheritance gave every one of the reſt, as well as any one, a Title to ſhare in the Goods of his Father. Not only upon this account, I ſay, have I been ſo particular in examining the reaſon of Childrens Inheriting the Property of their Fathers, but alſo becauſe it will give us farther Light in the Inheritance of *Rule* and *Power*, which in Countries where their particular Municipal Laws give the whole Poſſeſſion of Land entirely to the firſt Born, and Deſcent of Power has gone ſo to Men by this Cuſtom, ſome have been apt to be deceived into an Opinion, that there

was a Natural or Divine Right of Primogeniture to both *Eſtate* and *Power*, and that the Inheritance of both *Rule* over Men and Property in things, ſprang from the ſame Original, and were to deſcend by the ſame Rules.

92. Property, whoſe Original is from the Right a Man has to uſe any of the inferior Creatures, for the ſubſiſtance and comfort of his Life, is for the benefit and ſole advantage of the Proprietor, ſo that he may even deſtroy the thing, that he has Property in by his uſe of it, where need requires; But Government being for the Preſervation of every Mans Right and Property, by Preſerving him from the Violence or Injury of others, is for the good of the Governed; For the Magiſtrate Sword, being for a *Terror to evil Doers*, and by that Terror to inforce Men to obſerve the poſitive Laws of the Society, made conformable to the Laws of Nature, for the Public good, *i. e.* the good of every particular Member of that Society, as far as by common Rules, it can be provided for; the Sword is not given the Magiſtrate for his own good alone.

93. Children therefore, as has been ſhew'd, by the dependance they have on their Parents for Subſiſtance, have a Right

Right of Inheritance to their Fathers Property, as that which belongs to them for their Proper good and behoof, and therefore are fitly termed Goods, wherein the firſt Born has not a ſole or peculiar Right by any Law of God and Nature. His, and his Brethrens, being equally founded on that Right they had to maintenance, ſupport and comfort from their Parents, and on nothing elſe; But Government being for the benefit of the Governed, and not the ſole advantage of the Governors (but only for theirs with the reſt, as they make a part of that Politic Body, each of whoſe Parts and Members are taken care of, and directed in their peculiar Function for the good of the whole, by the Laws of the Society,) cannot be Inherited by the ſame Title, that Children have to the Goods of their Fathers. The Right a Son has to be maintained and provided with the neceſſaries and conveniences of Life out of his Fathers Stock, gives him a Right to ſucceed to his Fathers *Property* for his own good, but this can give him no Right to ſucceed alſo to the *Rule*, which his Father had over other Men; all that a Child has Right to claim from his Fathers is Nouriſhment and Education, and the things nature furniſhes for the ſupport of Life;

Life, but he has no Right to demand *Rule* or *Dominion* from him: He can ſubſiſt and receive from him the Portion of good things, and advantages of Education naturally due to him, without *Empire* and *Dominion*; That (if his Father hath any) was veſted in him, for the good and behoof of others, and therefore the Son cannot Claim or Inherit it by a Title, which is founded wholy on his own private good and advantage.

94. We muſt know how the firſt Ruler, from whom any one claims came by his Authority, upon what ground any one has *Empire*, what his Title is to it, before we can know who has a right to ſucceed him in it, and inherit it from him; If the Agreement and Conſent of Men firſt gave a Scepter into any ones hand, or put a Crown on his Head, that alſo muſt direct its deſcent and conveyance; for the ſame Authority, that made the firſt a Lawful *Ruler*, muſt make the Second too, and ſo give Right of Succeſſion; And in this Caſe Inheritance or Primogeniture, can in its ſelf have no Right, no pretence, to it, any farther then that Conſent, which Eſtabliſhed the Form of the Government, hath ſo ſettled the Succeſſion; and thus we ſee the Succeſſion of Crowns, in ſeveral Countries places it on different Heads, and

and he comes by right of Succeſſion, to be a Prince in one place, who would be a Subject in another.

95. If God, by his poſitive Grant and revealed Declaration, firſt gave *Rule* and *Dominion* to any Man, he that will Claim by that Title, muſt have the ſame poſitive Grant of God for his Succeſſion; for if that has not directed the Courſe of its deſcent and conveyance down to others, no body can ſucceed to this Title of the firſt Ruler, and hereto Children have no right of Inheritance; and Primogeniture can lay no Claim, unleſs God the Author of this Conſtitution hath ſo ordained it. Thus we ſee the pretenſions of *Sauls* Family, who received his Crown from the immediate Appointment of God, ended with his Reign; And *David* by the ſame Title that *Saul* Reignd, *viz.* Gods appointment, ſucceeded in his Throne, to the excluſion of *Jonathan*, and all pretenſions of Paternal Inheritance. And if *Solomon* had a right to ſucceed his Father, it muſt be by ſome other Title, then that of Primogeniture. A *Cadet* or Siſters Son, muſt have the Preference in Succeſſion, if he has the ſame Title the firſt Lawful Prince had. And in Dominion that has its Foundation only in the poſitive appointment of God himſelf,

Benjamin

Benjamin the youngeſt, muſt have the Inheritance of the Crown, if God ſo direct as well as one of that Tribe had the firſt Poſſeſſion.

96. If *Paternal Right*, the Act of *Begetting*, give a Man *Rule* and *Dominion*, Inheritance or Primogeniture can give no Title; for he that cannot ſucceed to his Fathers Title, which was *Begetting*, cannot ſucceed to that Power over his Brethren, which his Father had by Paternal Right over them, but I ſhall have more to ſay on this by and by. This is plain in the mean time, that any Government whether ſuppoſed to be, at firſt founded in *Paternal Right*, *Conſent of the People*, or the *Poſitive Appointment of God himſelf*, which can ſuperſede either of the other, and ſo begin a new Government upon a new Foundation, I ſay, any Government began upon either of theſe, can by Right of Succeſſion come to thoſe only, who have the Title of him, they ſucceed to. Power founded on *Contract*, can deſcend only to him, who has Right by that Contract, Power founded on *Begetting*, he only can have that *Begets*, and Power founded on the poſitive *Grant* or Donation of God, he only can have by Right of Succeſſion, to whom that Grant directs it.

97. As

97. From what I have ſaid, I think this is clear, that a Right to the uſe of the Creatures, being founded Originally in the Right a Man has to ſubſiſt and enjoy the conveniences of Life, and the natural Right Children have to Inherit the goods of their Parents, being founded in the Right they have to the ſame Subſiſtance and Commodities of Life, out of the Stock of their Parents, who are therefore taught by natural Love and Tenderneſs to provide for them, as a part of themſelves, and all this being only for the good of the Proprietor or Heir; It can be no reaſon for Childrens Inheriting of *Rule* and *Dominion*, which has another Original and a different end, nor can Primogeniture have any Pretence to a Right of ſolely Inheriting either *Property* or *Power*, as we ſhall in, its due place, ſee more fully, 'tis enough to have ſhew'd here, that *Adams Property* or *Private Dominion*, could not convey any Sovereignty or Rule to his Heir, who not having a Right to Inherit all his Fathers Poſſeſſions, could not thereby come to have any Sovereignty over his Brethren, and therefore if any Sovereignty, on account of his *Property*, had been veſted in *Adam*, which in Truth there was not; yet it would have died with him.

98. As

98. As *Adam*'s Sovereignty, if he had by vertue of being Proprietor of the whole World, had any Authority over Men, could not have been Inherited by any of his Children over the reſt, becauſe they had all Title to divide the Inheritance, and every one had a Right to a Portion of his Fathers Poſſeſſions, ſo neither could *Adam*'s Sovereignty by Right of *Fatherhood*, if any ſuch he had, deſcend to any one of his Children; for it being, in our *A--s* account, a Right acquired by *Begetting* to Rule over thoſe he had begotten, it was not a Power poſſible to be Inherited, becauſe the Right being conſequent to, and built on, an Act perfectly Perſonal, made that Power ſo too, and impoſſible to be Inherited for Paternal Power, being a natural Right, ariſing only from the relation of Father and Son, is as impoſſible to be Inherited as the relation it ſelf, and a Man may pretend as well to Inherit the conjugal Power, the Husband, whoſe Heir he is, had over his Wife, as he can to Inherit the Paternal Power of a Father over his Children; For the Power of the Husband being founded on Contract, and the Power of the Father on *Begetting*, he may as well Inherit the Power obtained by the conjugal Contract

tract, which was only Personal, as he may the Power obtained by Begetting, which could reach no farther then the Person of the Begetter, unless begetting can be a Title to Power in him, that does not beget.

99. Which makes it a reasonable question to ask, whether *Adam* dying before *Eve* his Heir, suppose *Cain* or *Seth* should have had by Right of Inheriting *Adam's Fatherhood*, Sovereign Power over *Eve* his Mother; for *Adams Fatherhood*, being nothing but a Right he had to Govern his Children, because he begot them, he that Inherits *Adam's Fatherhood*, inherits nothing even in our *A--s* sense, but the the Right *Adam* had to Govern his Children, because he begot them, so that the Monarchy of the Heir would not have taken in *Eve*, or if it did, it being nothing but the *Fatherhood* of *Adam*, descended by Inheritance, the Heir must have Right to Govern *Eve*, because *Adam* begot her; For *Fatherhood* is nothing else.

100. Perhaps it will be said with our *A--*, that a Man can alien his Power over his Child, and what may be transfer'd by compact, may be possessed by Inheritance, I answer, a Father cannot Alien the Power he has over his Child, he may perhaps to

to ſome degrees forfeit it, but cannot transfer it, and if any other Man acquire it, 'tis not by the Fathers Grant, but ſome Act of his own; For example, a Father, unnaturally careleſs of his Child, ſells or gives him to another Man; and he again expoſes him; a third Man finding him, breeds up cheriſhes and provides for him as his own: I think in this Caſe, no body will doubt but that the greateſt part of filial Duty and Subjection was here owing, and to be paid to, this Foſter Father, and if any thing could be demanded from him, by either of the other, it could be only due to his natural Father, who perhaps might have forfeited his Right to much of that Duty comprehended in the command, *Honour your Parents*, but could transfer none of it to another, he that purchaſed, and neglected the Child got by his Purchaſe and Grant of the Father, no Title to Duty or Honour from the Child, but only he acquired it, who by his own Authority, performing the Office and Care of a Father, to the Forlorn and Periſhing Infant, made himſelf by Paternal Care, a Title to proportionable Degrees of Paternal Power. This will be more eaſily admitted upon conſideration of the nature of Paternal Power, for which I refer my Reader to the 2*d* Book.

101.

101. To return to the Argument in hand, this is evident; That Paternal Power ariſing only from *Begetting*, for in that our *A--* places it alone, can neither be *transfer'd*, nor *inherited*; And he that does not beget, can no more have Paternal Power which ariſes from thence, then he can have a Right to any thing who performs not the condition, to which only it is annexed; If one ſhould ask by what Law, has a Father Power over his Children, it will be anſwered no doubt by the Law of nature, which gives ſuch a Power over them, to him that begets them; If one ſhould ask likewiſe by what Law does our *A--r* Heir come by a Right to Inherit, I think it would be anſwer'd by the Law of nature too, for I find not that our *A*— brings one word of Scripture to prove the Right of ſuch an Heir he ſpeaks of, why then the Law of nature, gives Fathers Paternal Power over their Children, becauſe they did *beget* them, and the ſame Law of nature gives the ſame Paternal Power to the Heir over his Brethren, who did not *beget* them whence it follows, that either the Father has not his Paternal Power by begetting, or elſe that the Heir has it not at all; For 'tis hard to underſtand how the Law

of nature which is the Law of reason, can give the Paternal Power to the Father over his Children, for the only reason of *Begetting*, and to the first born over his Brethren without this only reason, *i. e.* for no reason at all, and if the Eldest by the Law of nature can inherit this Paternal Power, without the only reason that gives a Title to it, so may the Youngest as well as he, and a Stranger as well as either, for where there is no reason for any one, as there is not, but for him that begets, all have an equal Title. I am sure our *A.* offers no reason, and when any body does, we shall see whether it will hold or no.

102. In the mean time 'tis as good Sense to say, that by the Law of nature, a Man has Right to inherit the Property of another, because he is of Kin to him, and is known to be of his Blood, and therefore by the same Law of nature, an utter Stranger to his Blood, has Right to inherit his Estate; As to say that by the Law of nature he that begets them, has Paternal Power over his Children, and therefore by the Law of nature, the Heir that begets them not, has this Paternal Power over them; or supposing the Law of the Land gave Absolute Power

over

over their Children, to such only who nursed them, and fed their Children themselves, could any body pretend, that this Law gave any one who did no such thing, Absolute Power over those, who were not his Children.

103. When therefore it can be shew'd, that conjugal Power can belong to him that is not an Husband, it will also I believe be proved, that our *A--s* Paternal Power acquired by begetting, may be inherited by a Son, and that a Brother as Heir to his Fathers Power, may have Paternal Power over his Brethren, and by the same Rule conjugal Power to, but till then, I think we may rest satisfied, that the Paternal Power of *Adam*, this Sovereign Authority of *Fatherhood*, were there any such, could not descend to, nor be inherited by, his next Heir. *Fatherly Power* I easily grant our *A--* if it will do him any good, can never be lost, because it will be as long in the World as there are Fathers, but none of them will have *Adams* Paternal Power, or derive theirs from him, but every one will have his own, by the same Title *Adam* had his, *viz.* by *Begetting*, but not by Inheritance or Succession, no more then Husbands have their conjugal Power by Inheritance from *Adam*; And thus we see as *Adam* had no

ſuch *Property*, no ſuch *Paternal Power* as gave him *Sovereign* Juriſdiction over Mankind; ſo likewiſe his Sovereignty built upon either of theſe Titles, if he had any ſuch, could not have deſcended to his Heir, but muſt have ended with him, *Adam* therefore, as has been proved, being neither Monarch, nor his imaginary Monarchy, hereditable, the Power which is now in the World, is not that which was *Adams*, ſince all that *Adam* could have upon our *A--s* grounds, either of *Property* or *Fatherhood*, neceſſarily dyed with him, and could not be convey'd to Poſterity by Inheritance; In the next place, we will conſider whether *Adam* had any ſuch Heir, to inherit his Power as our *A--* talks of.

CHAP. X.

Of the Heir to Monarchical Power of Adam.

104. OUR *A--* tells us, O. 253. *That it is a truth undeniable, that there cannot be any multitude of Men whatſoever, either great or ſmall, though gathered together from the ſeveral corners and remoteſt Regions of the World, but that in the ſame Multitude*

titude considered by its self, there is one Man amongst them, that in nature hath a Right to be King of all the rest, as being the next Heir to Adam and all the other Subject to him, every Man by nature is a King or a Subject, and again, p. 20. *If Adam himself were still living, and now ready to dye, it is certain that there is one Man, and but one in the World who is next Heir*, let this *Multitude of Men* be, if our *A--* pleases, all the Princes upon the Earth, there will then be by our *A--s* Rule, *one amongst them, that in nature hath a Right to be King of all the rest, as being the right Heir to Adam*; An excellent way to Establish the Titles of Princes, and settle the Obedience of their Subjects, by setting up an Hundred or perhaps, a Thousand Titles, if there be so many Princes in the World, against any King now Reigning upon our *A--s* grounds, as good as his own. If this Right of *Heir* carry any weight with it, if it be the *Ordinance of God* as our *A--* seems to tell us, *O.* 244. must not all be Subject to it, from the highest to the lowest, can those who wear the name of Princes, without having the Right of being *Heirs to Adam*, demand Obedience from their Subjects by this Title, and not be bound to pay it by the same Law? either Governments in the World are not to be

claim'd and held by this Title of *Adams* Heir, and then the ſtarting of it is to no purpoſe, the being or not being *Adams* Heir ſignifies nothing as to the Title of Dominion: Or if it really be, as our *A--* ſays, the true Title to Government and Sovereignty, the firſt thing to be done, is to find out this true Heir of *Adam*, ſeat him in his Throne, and then all the Kings and Princes of the World come and reſign up their Crowns and Scepters to him, as things that belong no more to them, then to any of their Subjects.

105. For either this Right in nature, of *Adams* Heir, to be King over all the Race of Men, (for altogether they make one *Multitude*) is a right not neceſſary to the making of a Lawful King, and ſo there may be Lawful Kings without it, and then Kings Titles and Power depend not on it, or elſe all the Kings in the World but one are not Lawful Kings, and ſo have no Right to Obedience, either this Title of Heir to *Adam* is that whereby Kings hold their Crowns, and have a Right to Subjection from their Subjects, and then one only can have it, and the reſt being Subjects can require no Obedience from other Men, who are but their fellow Subjects, or elſe it is not the

Title

Title whereby Kings Rule, and have a Right to Obedience from their Subjects, and then Kings are Kings without it. And this Dream of the natural Sovereignty of *Adams* Heir is of no use to Obedience and Government; For if Kings have a Right to Dominion, and the Obedience of their Subjects who are not, nor can possibly be, Heirs to *Adam*, what use is there of such a Title, when we are obliged to obey without it? If they have not, we are discharged of our Obedience to them, for he that has no Right to command, I am under no Obligation to obey; and we are all free till our *A*-- or any body for him, will shew us *Adams* right Heir; If there be but one Heir of *Adam*, there can be but one Lawful King in the World, and no body in conscience can be obliged to Obedience, till it be resolved who that is; for it may be any one who is not known to be of a Younger House, and all others have equal Titles. If there be more then one Heir of *Adam*, every one is his Heir, and so every one has Regal Power; for if two Sons can be Heirs together, then all the Sons are equally Heirs, and so all are Heirs, being all Sons, or Sons Sons of *Adam*, betwixt these two the Right of Heir cannot stand; for by it either but one only Man, or all Men

are Kings, and take which you please, it dissolves the Bonds of Government and Obedience, since if all Men are Heirs, they can owe Obedience to no body; if only one, no body can be obliged to pay Obedience to him, till he be known and his Title made out.

CHAP. XI.

Who Heir?

106. THE great question which in all Ages has disturbed Mankind, and brought on them the greatest part of those Mischiefs which have ruin'd Cities, depopulated Countries, and disordered the Peace of the World, has been not whether there be Power in the World, nor whence it came, but who should have it; The settling of this therefore being of no smaller moment then the security of Princes, and the peace and welfare of their Estates and Kingdoms, a writer of Politics, one would think, should take great care in setling this point, and be very clear in it; For if this remain disputable, all the rest will be to very little purpose. And by dressing up Power with all the Splendor and Temptation

tation Abſoluteneſs can add to it, without ſhewing who has a right to have it, is only to give a greater edg to Mans natural Ambition, which of it ſelf, is but too apt to be intemperate, and to ſet Men on the more eagerly to Scramble, and ſo lay a ſure and laſting Foundation of endleſs contention and diſorder inſtead of that Peace and Tranquillity, which is the buſineſs of Government, and the end of Human Society.

107. This our *A--* is more then ordinarily obliged to do, becauſe he affirming that *the Aſſignment of Civil Power, is by Divine inſtitution*, hath made the conveyance as well as the Power it ſelf Sacred, ſo that no Power, no conſideration can divert it from that Perſon, to whom by this Divine Right, it is aſſigned, no neceſſity or contrivance can ſubſtitute another Perſon in his room. For if the *Aſſignment of Civil Power be by Divine Inſtitution* and *Adams Heir*, he to whom it is thus *Aſſigned*, as we ſee in the foregoing Chapter, our *A--* tells us, it would be as much Sacriledge for any one to be King, who was not *Adams* Heir, as it would have been amongſt the *Jews*, for any one to have been *Prieſt*, who had not been of *Aarons* poſterity; For *not only* the Prieſthood *in general being by Divine Inſtitution*

Institution, but the Assignment of it to the Sole Line and Posterity of *Aaron*, made it impossible to be injoy'd or exercised by any one, but those Persons who are the Off-spring of *Aaron*, whose succession therefore was carefully observed, and by that the Persons who had a Right to the Priesthood certainly known.

108. Let us see then what care our *A--* has taken, to make us know who is this *Heir*, who *by Divine Institution, has a Right to be King over all Men. The first account of him we meet with is*, p. 12. *in these words*; *This Subjection of Children, being the Fountain of all Regal Authority, by the Ordination of God himself; it follows, that Civil Power not only in general, is by Divine Institution, but even the Assignment of it specifically to the Eldest Parents*: Matters of such consequence as this is, should be in plain words, as little liable as might be, to Doubt or Equivocation, and I think if Language be capable of expressing any thing destinctly and clearly, that of Kindred, and the several Degrees of nearness of Blood, is one; It were therefore to be wish'd, that our *A--* had used a little more intelligible expressions here, that we might have better known who it is, to whom *the Assignment of Civil Power*, is made by *Divine Institution*, or at least

least would have told us what he meant by *Eldest Parent*; for I believe if Land had been Assigned or Granted to him, and the *Eldest Parents* of his Family, he would have thought it had needed an Interpreter, and 'twould scarce have been known to whom next it belong'd.

109. In Propriety of Speech, and certainly Propriety of Speech is necessary in a discourse of this nature, *Eldest Parents* signifies either the Eldest Men and Women that have had Children, or those who have longest had Issue, and then our *A--s* assertion will be, that those Fathers and Mothers who have been longest in the World, or longest Fruitful, have by *Divine Institution*, a Right to *Civil Power*; If there be any absurdity in this, our *A--* must answer for it, and if his meaning be different from my explication he is to be blam'd, that he would not speak it plainly; This I am sure, *Parents* cannot signify Heirs Male nor *Eldest Parents*, an Infant Child, who yet may sometimes be the true Heir; if there can be but one. And we are hereby still as much at a loss, who Civil Power belongs to, notwithstanding this *Assignment by Divine Institution*, as if there had been no such Allighment at all, or our *A--* had said nothing of it. This of *Eldest Parents* leaving

leaving us more in the dark, who by *Divine Institution*, has a Right to *Civil Power*, then those who never heard any thing at all of *Heir*, or descent, of which our *A*-- is so full, and though the cheif matter of his Writings be to teach Obedience to those who have a Right to it, which he tells us is conveyed by descent, yet who those are to whom this Right by descent belongs, he leaves like the Philosophers Stone in Politics, out of the reach of any one to discover from his Writings.

110. This obscurity cannot be imputed to want of Language in so great a Master of Stile as Sr. *Robt.* is, when he is resolved with himself what he would say, and therefore I fear finding how hard it would be to settle Rules of descent by divine Institution, and how little it would be to his purpose, or conduce to the clearing and establishing the Titles of Princes, if such Rules of descent were settled, he chose rather to content himself with doubtful and general terms, which might make no ill sound in Mens Ears, who were willing to be pleas'd with them, rather then offer any clear Rules of descent of this *Fatherhood* of *Adam*, by which Mens Consciences might be satisfyed to whom it descended and know

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the Persons who had a Right to Regal Power and with it to their Obedience.

111. How else is it possible that laying so much stress as he does upon *descent*, and *Adams Heir*, *next Heir*, *true Heir*, he should never tell us what *Heir* means, nor the way to know who the *next* or *true Heir* is: This I do not remember he does any where expresly handle, but where it comes in his way very warily and doubtfully touch, though it be so necessary that without it all discourses of Government and Obedience upon his Principles would be to no purpose, and *Fatherly Power*, never so well made out, will be of no use to any body; hence, he tells us, *O.* 244. *That not only the Constitution of Power in general, but the limitation of it to one kind* (i. e.) *Monarchy and the determination of it to the individual Person and Line of* Adam *are all three Ordinances of God, neither* Eve, *nor her Children could either limit* Adams *Power or joyn others with him, and what was given unto* Adam *was given in his Person to his Posterity*; Here again our *A*— informs us, that the *Divine Ordinance* hath limited the descent of *Adams* Monarchical Power, to whom? *To* Adams *Line and Posterity*, says our *A*—, a notable *Limitation*, a *Limitation* to all Mankind; for if our *A*— can find any one amongst Mankind

Mankind that is not of the *Line* and *Posterity* of *Adam*, he may perhaps tell him who this next Heir of *Adam* is, but for us I despair, how this *Limitation* of *Adams* Empire to his *Line* and *Posterity* will help us to find out *one Heir*; This *Limitation* indeed of our *A--* will save those the labour who would look for him amongst the Race of Brutes, if any such there were: but will very little contribute to the discovery of *one next Heir* amongst Men, though it make a short and easy determination of the question about the descent of *Adams* Regal Power, by telling us, that the *Line* and *Posterity* of *Adam* is to have it, that is in plain *English*, any one may have it, since there is no Person living that hath not the Title of being of the *Line* and *Posterity* of *Adam*, and while it keeps there, it keeps within our *A--s* limitation by Gods Ordinance. Indeed, *p.* 19. he tells us that *such Heirs are not only Lords of their own Children, but of their Brethren*, whereby, and by the words following, which we shall consider anon, he seems to insinuate that the Eldest Son is *Heir*, but he no where, that I know, says it in direct words, but by the instances of *Cain* and *Jacob* that there follow, we may allow this to be so far his Opinion concerning Heirs, that where there

there are diverse Children, the Eldest Son has the Right to be *Heir*; That Primogeniture cannot give any Title to Paternal Power we have already shew'd; That a Father may have a natural Right to some kind of Power over his Children, is easily granted, but that an Elder Brother has so over his Brethren remains to be proved, God or Nature has not any where, that I know, placed such jurisdiction in the first Born, nor can Reason find any such natural Superiority amongst Brethren. The Law of *Moses* gave a double Portion of the Goods and Possessions to the Eldest, but we find not any where that naturally, or by *Gods Institution*, Superiority or Dominion belong'd to him, and the instances there brought by our *A*--, are but slender Proofs of a Right to Civil Power and Dominion in the first born, and do rather shew the contrary.

112. His words are in the forecited place: *And therefore we find God told* Cain *of his Brother* Abel; *His desire shall be Subject unto thee, and thou shalt Rule over him.* To which I answer 1°. These words of God to *Cain*, are by many Interpreters with great Reason understood in a quite different Sense then what our *A*-- uses them in; 2°, Whatever was meant by them it could not be, that *Cain*, as Elder,

Elder, had a natural Dominion over *Abel*; for the words are conditional: *If thou doest well* and so personal to *Cain*, and whatever was signified by them, did depend on his Carriage and not follow his Birth-right, and therefore could by no means be an Establishment of Dominion in the first born in general; for before this *Abel* had his *distinct Territories by Right of Private Dominion*, as our *A*.. himself confesses, *O.* 210. which he could not have had to the prejudice of the Heirs Title, *if by divine Institution*, *Cain* as Heir were to inherit all his Fathers Dominion. 3. If this were intended by God as the Charter of Primogeniture, and the Grant of Dominion to Elder Brothers in general, as such by Right of Inheritance, we might expect it should have included all his Brethren; for we may well suppose, *Adam* from whom the World was to be peopled by this time, that these were grown up to be Men, had more Sons, then these two, whereas *Abel* himself is not so much as named, and the words in the Original, can scarce with any good construction, be apply'd to him; 4. It is too much to build a Doctrin of so mighty consequence upon so doubtful and obscure a place of Scripture, which may be well, nay better, understood in a quite different Sense, and so

so can be but an ill Proof, being as doubtful as the thing to be proved by it, especially when there is nothing else in Scripture or Reason, to be found that favours or supports it.

113. It follows, p. 19. *According, when Jacob bought his Brother's Birth-right, Isaac Blessed him thus; be Lord over thy Brethren, and let the Sons of thy Mother bow before thee,* another instance I take it, brought by our *A*-- to evince Dominion due to Birth-right, and an admirable one it is; for it must be no ordinary way of reasoning in a Man, that is pleading for the natural Power of Kings, and against all compact to bring for Proof of it, an example where his own account of it, founds all the right upon compact, and settles Empire in the Younger Brother, unless buying and selling be no compact; for he tells us, *when Jacob bought his Brother's Birth-right*; But passing by that, let us consider the History it self, with what use our *A*-- makes of it, and we shall find these following mistakes about it.

1°. That our *A*-- reports this, as if *Isaac* had given *Jacob* this Blessing, immediately upon his Purchasing the *Birth-right*; for he says, *when Jacob bought, Isaac Blessed him*, which is plainly otherwise

in the Scripture, for it appears there was a distance of time between, and if we will take the Story in the order it lies, it must be no small distance; All *Isaac's* Sojourning in *Gerar*, and Transactions with *Abimelech*, *Gen.* 26. coming between, *Rebeka* being then Beautiful and consequently young, but *Isaac* when he Blessed *Jacob*, was old and decrepit; And *Esau* also complains of *Jacob*, *Gen.* 27. 36. that *two times* he had Supplanted him, *he took away my Birth-right*, says he, *and behold now he hath taken away my Blessing*; words, that I think, signifies distance of time, and difference of Action.

2°. Another mistake of our *A--r*, is, that he supposes *Isaac* gave *Jacob* the *Blessing*, and bid him be *Lord over his Brethren*, because he had the *Birth right*, for our *A--* brings this example to prove, that he that has the *Birth-right*, has thereby a right to *be Lord over his Brethren*; But it is also manifest by the Text, that *Isaac* had no consideration of *Jacobs* having bought the Birth right, for when he Blessed him, he considered him not as *Jacob*, but took him for *Esau*, nor did *Esau* understand any such connexion between *Birth-right* and the *Blessing*, for he says, *he hath Supplanted me these two times, he took away my Birth-right, and behold now he hath*

hath taken away my Blessing, whereas had the *Blessing*, which was to be *Lord over his Brethren*, belong'd to the *Birth-right*, *Esau* could not have complain'd of this second as a Cheat, *Jacob* having got no thing but what *Esau* had sould him, when he sould him his *Birth-right*, so that it is plain, Dominion if these words signifie it, was not understood to belong to the *Birth-right*.

114. And that in those days of the Patriarchs Dominion was not understood to be the Right of the Heir, but only a greater Portion of goods, is plain from *Gen.* 21. 10. for *Sarah* taking *Isaac* to be Heir, says, *cast out this Bond-woman and her Son, for the Son of this Bond-woman, shall not be Heir with my Son*, whereby could be meant nothing, but that he should not have a pretence to an equal share of his Fathers Estate after his death, but should have his Portion presently, and be gone. Accordingly, we read, *Gen.* 25. 5, 6. That *Abraham gave all that he had unto Isaac, but unto the Sons of the Concubines which Abraham had, Abraham gave Gifts, and sent them away from Isaac his Son, while he yet lived*; That is, *Abraham* having given Portions to all his other Sons and sent them away, that which he had reserved, being the greatest part of

his substance, *Isaac* as Heir Possessed after his death, but by being Heir, he had no Right to be *Lord over his Brethren*; For if he had, why should *Sarah* desire to rob him of one of his *Subjects*, his *Slaves*, by desiring to have him sent away.

115. Thus as under the Law, the Priviledge of *Birth-right*, was nothing but a double Portion, so we see that before *Moses* in the Patriarchs time, from whence our A-- pretends to take his model, there was no knowledge, no thought that Birth-right gave Rule or Empire, Paternal or Kingly Authority, to any one over his Brethren, which if it be not plain enough in the Story of *Isaac* and *Ishmael*, let them look into 1 *Chron.* 5. 12. and there he may read these words, *Ruben was the first Born, but for as much as he defiled his Fathers Bed, his Birth-right was given unto the Sons of Joseph, the Son of Israel, and the Geneology is not to be reckon'd after the Birth-right; For Judah prevailed above his Brethren, and of him came the cheif Ruler, but the Birth-right was Josephs*, and what this Birth-right was, *Jacob* Blessing *Joseph*, *Gen.* 58. 22. telleth us in these words, *Moreover I have given thee one Portion above thy Brethren, which I took out of the hand of the Amorite, with my*

my Sword and with my Bow, whereby it is not only plain, that the Birth-right was nothing but a double Portion, but the Text in *Chron.* is expreſs againſt our *A--s* Doctrin, ſhews that Dominion was no part of the Birth-right; for it tells us that *Joſeph* had the Birth-right, but *Judah* the Dominion; But one would think our *A--* were very fond of the very name of *Birth-right*, when he brings this inſtance of *Jacob* and *Eſau*, to prove that Dominion belongs to the Heir over his Brethren.

116. 1°, Becauſe it will be but an ill example to prove, that Dominion by Gods Ordination, belonged to the Eldeſt Son, becauſe *Jacob* the Youngeſt here had it, let him come by it how he would; For if it prove any thing, it can only prove againſt our *A--*, that the *Aſſignment of Dominion to the Eldeſt, is not by Divine Inſtitution*, which would then be unalterable; For if by the Law of God, or Nature, Abſolute Power and Empire belongs to the Eldeſt Son and his Heirs, ſo that they are Supream Monarchs, and all the reſt of their Brethren Slaves, our *A--* gives us reaſon to doubt, whether the Eldeſt Son has a Power to part with it, to the prejudice of his Poſterity, ſince he tells us, *O.* 138. that *in Grants and Gifts*

that have their Original from God or nature, no inferior Power of Man can limit, or make any Law of Prescription against them.

117. 2°. Because this place, *Gen.* 27. 29. brought by our *A--* concerns not at all, the Dominion of one Brother over the other, nor the Subjection of *Esau* to *Jacob*; for 'tis plain in the History, that *Esau* was never Subject to *Jacob*, but lived a part in Mount *Seir*, where he founded a distinct People and Government, and was himself Prince over them, as much as *Jacob* was in his own Family. The words if one consider *thy Brethren*, and *thy Mothers Sons in them*, can never be understood literally of *Esau*, or the Personal Dominion of *Jacob* over him; for the words, *Sons* and *Brethren*, could not be used litterally by *Isaac*, who knew *Jacob* had only one Brother; And these words are so far from being true in a litteral Sense, or Establishing any Dominion in *Jacob* over *Esau*, that in the Story we find the quite contrary, for *Gen.* 32. *Jacob* several times calls *Esau Lord*, and himself his Servant, and *Gen.* 33. *he bowed himself seven times to the ground to Esau*, whether *Esau* then were a Subject and Vassal, (nay as our *A--* tells us, all Subjects are *Slaves*) to *Jacob*, and *Jacob* his Sovereign Prince by Birth right; I leave the

the Reader to judge and believe if he can, that these words of *Isaac be Lord over thy Brethren, and let thy Mothers Sons bow down to thee*, confirm'd *Jacob* in a Sovereignty over *Esau*, upon the account of the *Birth-right* he had got from him.

118. He that reads the Story of *Jacob* and *Esau*, will find there was never any Jurisdiction or Authority, that either of them had over the other after their Fathers death, they lived with the Friendship and Equallity of Brethren, neither *Lord*, neither *Slave* to his Brother, but Independent each of other, were both heads of their distinct Families, where they received no Laws from one another, but lived seperately, and were the Roots out of which sprang two distinct People, under two distinct Governments. This Blessing then of *Isaac*, whereon our *A-* would build the Dominion of the Elder Brother, signifies no more but what *Rebeca* had been told from God, *Gen.* 25. 23. *Two Nations are in thy Womb, and two manner of People, shall be seperated from thy Bowels, and the one People shall be stronger then the other People, and the Elder shall serve the Younger*; And so *Jacob* Blessed *Judah*, *Gen.* 49. and gave him the Scepter and Dominion, from whence our *A-*

might have argued as well, that Jurisdiction and Dominion belongs to the third Son over his Brethren, as well as from this Blessing of *Isaac*, that it belonged to *Jacob*; They being both Predictions of what should long after happen to their Posterities, and not the declaring the Right of Inheritance to Dominion in either; And thus we have our *A--s* two great and only Arguments to prove, that *Heirs are Lords of their Brethren*, 1°. Because God tells *Cain*, *Gen.* 4. That however sin might set upon him, he ought or might be master of it; For the most Learned interpreters understand the words of sin, and not of *Abel*, and give so strong reasons for it, that nothing can convincingly be infer'd from so doubtful a Text to our *A--s* purpose, 2°. Because in this of *Gen.* 27. *Isaac* foretells that the *Israelites*, the Posterity of *Jacob*, should have Dominion over the *Edomites*, the Posterity of *Esau*; therefore says our *A-- Heirs are Lords of their Brethren*, I leave any one to judge of the conclusion.

119. And now we see how our *A--* has provided for the descendings and conveyance down of *Adams* Monarchical Power, or Paternal Dominion to Posterity, by the Inheritance of his *Heir*, Succeeding to all his Fathers Authority, and becoming

ing upon his death as much Lord as his Father was, *not only over his own Children, but over his Brethren*, and all descended from his Father, and so *in infinitum*; But yet who this Heir is, he does not once tell us, and all the light we have from him in this so Fundamental a Point, is only that in his instance of *Jacob*, by using the word *Birth-right*, as that which passed from *Esau* to *Jacob*, he leaves us to guess that by Heir, he means the Eldest Son, though I do not remember he any where mentions expresly the Title of the first Born, but all along keeps himself under the shelter of the indefinite Term *Heir*; But taking it to be his meaning, that the Eldest Son is Heir (for if the Eldest be not, there will be no pretence, why the Sons should not be all Heirs alike) and so by Right of Primogeniture has Dominion over his Brethren, this is but one step towards the Settelment of Succession, and the difficulties remain still as much as ever, till he can shew us who is meant by Right Heir, in all those cases which may happen where the present Possessor hath no Son; But this he silently passes over, and perhaps wisely too; For what can be wiser after one has affirm'd, that *the Person having that Power, as well as the Power and Form of Govern-*

ment

ment is the Ordinance of God, and by Divine Institution, vid. O. 254. *p.* 12. then to be careful, not to start any question concerning the Person, the resolution whereof will certainly lead him into a a confession, that God and Nature hath determined nothing about him; And if our *A*-- cannot shew who by Right of nature, or a clear positive Law of God, has the next right to inherit the Dominion of this natural Monarch, he has been at such pains about, when he dyed without a Son, he might have spared his pains in all the rest, it being more necessary to settle Mens consciences, and determin their Subjection and Allegiance, to shew them who by Original Right, Superior and Antecedent to the Will, or any Act of Men, hath a Title to this *Paternal Jurisdiction*, than it is to shew that by Nature, there was such a *Jurisdiction*; It being to no purpose for me to know, there is such a *Paternal Power*, which I ought, and am, disposed to obey, unless where there are many pretenders, I also know the Person that is rightfully invested and endow'd with it.

120. For the main matter in question being concerning the Duty of my Obedience, and the Obligation of Conscience I am under to pay it to him that is of Right,

Right, my Lord and Ruler, I must know the Person, that this Right of Paternal Power resides in, and so impowers him to claim Obedience from me; For let it be true, what he says, p. 12. That *Civil Power not only in general is by divine Institution, but even the Assignment of it specifically to the Eldest Parents*, and O. 254. *That not only the Power or Right of Government, but the Form of the Power of governing, and the Person having that Power, are all the Ordinance of God*, yet unless he shews us in all Cases who is this Person, *Ordain'd* by God, who is this *Eldest Parent*, all his abstract Notions of Monarchical Power will signifie just nothing, when they are to be reduced to Practice, and Men are conscientiously to pay their Obedience; For *Paternal Jurisdiction* being not the thing to be obeyed, because it cannot command, but is only that which gives one Man a Right, which another hath not, and if it come by Inheritance, another Man cannot have, to command and be obey'd: It is ridiculous to say, I pay Obedience to the *paternal Power*, when I obey him, to whom paternal Power gives no Right to my Obedience; For he can have no Divine Right to my Obedience, who cannot shew his Divine Right to the Power of ruling over me, as well as that by

Divine

Divine Right, there is such a Power in the World.

101. And hence not being able to make out any Princes Title to Government, as Heir to *Adam*, which therefore is of no use, and had been better let alone, he is fain to resolve all into present Possession, and makes Civil Obedience as due to an *Usurper* as to a lawful King, and thereby the *Usurpers* Title as good; His words are, *O.* 253. And they deserve to be remembred: *If an Usurper dispossess the true Heir, the Subjects Obedience to the Fatherly Power must go along and wait upon Gods Providence.* But I shall leave his Title of Usurpers to be examin'd in its due place, and desire my sober Reader to consider what thanks Princes owe such Politics as this, which can suppose *Paternal Power* (*i. e.*) a Right to Government into the hands of a *Cade*, or a *Cromwell*, and so all Obedience being due to paternal Power, the Obedience of Subjects will be due to them by the same Right, and upon as good Grounds as it is to lawful Princes, and yet this, as dangerous a Doctrine as it is, must necessarily follow from making all Political Power to be nothing else but *Adams* Paternal Power by Right and *Divine Institution*, descending from him without being able

to

to shew to whom it descended, or who is Heir to it.

122. For, I say, to settle Government in the World, and to lay Obligations to Obedience on any Mans Conscience, it is as necessary (supposing with our *A*— that all Power be nothing but the being possessed of *Adams Fatherhood*) to satisfie him who has a Right to this *Power*, this *Fatherhood*, when the possessor dyes without Sons to succeed immediately to it, as it was to tell him that upon the death of the Father, the Eldest Son had a right to it; For it is still to be remembr'd, that the great question is, and that which our *A*— would be thought to contend for, if he did not sometimes forget it, what Persons have a Right to be obeyed, and not whether there be a Power in the World, which is to be called *Paternal*, without knowing in whom it resides, for so it be a Power, *i. e.* Right to govern, it matters not whether it be called *Paternal*, *Regal*, *Natural* or *acquired Supream Fatherhood*, or *Supream Brotherhood*, provided we know who has it.

123. I go on then to ask whether in the inheriting of this *Paternal Power*, this *Supream Fatherhood*; The Grand-Son by a Daughter, hath a Right before a Nephew by a Brother? whether the Grand-

Son

Son by the Eldeſt Son, being an Infant before the Younger Son a Man and able? whether the Daughter before the Uncle? or any other Man, deſcended by a Male Line? whether a Grand-Son by a Younger Daughter, before a Grand-Daughter by an Elder Daughter? whether the Elder Son by a Concubine, before a Younger Son by a Wife? from whence alſo will ariſe many queſtions of Legitimation, and what in nature is the difference betwixt a Wife and a Concubine? for as to the municipal or poſitive Laws of Men, they can ſignifie nothing here. It may farther be asked, whether the Eldeſt Son being a Fool, ſhall inherit this *Paternal Power*, before the Younger a wiſe Man? and what Degree of Folly it muſt be that ſhall exclude him? and who ſhall be Judge of it? whether the Son of a Fool excluded for his Folly before the Son of his wife Brother who Reign'd? who has the *Paternal Power*, whilſt the Widdow Queen is with Child by the deceaſed King, and no body knows whether it will be a Son or a Daughter? which ſhall be Heir of two Male twins, who by the diſſection of the Mother, were laid open to the World? whether a Siſter by the half Blood, before a Brothers Daughter by the whole Blood?

124. Theſe

124. These, and many more such doubts might be proposed about the Titles of Succession, and the Right of Inheritance, and that not as idle Speculations, but such as in History we shall find have concerned the Inheritance of Crowns and Kingdoms, and if ours want them, we need not go farther for Famous Examples of it, than the other Kingdom in this very Island, which having been fully related by the ingenious and Learned Author of *Patriarcha non Monarcha*, I need say no more of; And till our *A*— hath resolved all the doubts, that may arise about the next Heir, and shewed that they are plainly determin'd by the Law of nature, or the revealed Law of God, all his Suppositions of a *Monarchical, Absolute, Supreme, Paternal Power in Adam*, and the descent of that Power to his Heir, and so on; If I say, all these his suppositions were as much demonstrations, as they are the contrary, yet they would not be of the least use to Establish the Authority, or make out the Title of any one Prince now on earth, but would rather unsettle and bring all into question; For let our *A*— tell us as long as he please, and let all Men believe it too, that *Adam* had a *Paternal*, and thereby a *Monarchical Power*, That this (the only Power in the

World)

World) *descended to his Heirs*, and that there is no other Power in the World but this; yet, if it be not past doubt, to whom this *Paternal Power descends*, and whose now it is, no body can be under any Obligation of Obedience, unless any one will say, that I am bound to pay Obedience to *Paternal Power* in a Man, who has no more *Paternal Power* then I my self, which is all one as to say, I obey a Man, because he has a Right to govern, and if I be asked, how I know, he has a Right to govern, I should answer it cannot be known, that he has any at all; for that cannot be the reason of my Obedience, which I know not to be, so much less can that be a reason of my Obedience, which no body at all can know.

125. And therefore all this ado about *Adam's Fatherhood*, the Greatness of its Power, and the necessity of its supposal, helps nothing to the Establishing the Power of those that govern, or determin the Obedience of Subjects, who are to obey, if they cannot tell whom they are to obey, or it cannot be known who are to govern, and who to obey; And this *Fatherhood*, this *Monarchical Power of Adam* descending to his Heirs, would be of no more Use to the Government of Mankind, then it would be to the quieting of Mens Consciences,

sincerely or securely their Title to it, if our Lord had assured them, that *Adam* had a Patent to forgive Sins or cure Diseases, which by Divine Institution descended to his Heir, whilst this Heir is impossible to be known. And should not People as rationally, who upon this assurance of our *Adam*, went and confessed his Sins, and expected a good Absolution, or took Physick with expectation of Health from any one who shall take on him to be the Name of Priest or Physician, or shall thrust himself into those employments, saying, I acquaint in the Absolving Power descending from *Adam*, or I shall be cured by the Medicinal Power descending from *Adam*, to him who says, I submit to, and obey the Paternal Power descending from *Adam*, when this unfolds all these Powers, and governs only by his single Will, and that Heir is unknown.

VII. 'Tis true, the Civil Lawyers have pretended to determine some of these Cases concerning the Succession of Princes, but by their own Principles, they have erred in a matter that belongs not to them; For if all Political Power be derived only from *Adam*, and be Entail'd only to his Successive Heirs, by the Ordinance of God and Divine Institution, that is a Right Antecedent and Paramount to all Government,

ment, and therefore the positive Laws of Men, cannot determin that which is it self, the Foundation of all Law and Government, and is to receive its Rule only from the Law of God and Nature. And that being silent in the Case, I am apt to think there is no such Right to be conveyed this way, I am sure it would be to no purpose if there were, and Men would be more at a loss concerning Government and Obedience to Governors, then if there were no such Right; since by positive Laws and compact, which *Divine Institution* (if there be any) shuts out, all these endless inextricable doubts, can be safely provided against, but it can never be understood, how a Divine natural Right, and that of such moment as is all Order and Peace in the World, should be convey'd down to Posterity, without any plain Natural or Divine Rule concerning it. And there would be an end of all Civil Government, if the *Assignment* of Civil Power were by *Divine Institution* to the Heir, and yet *by that Divine Institution*, the Person of the Heir, could not be known. This *Paternal Regal Power*, being by Divine Right only his, it leaves no room for humane prudence, or consent to place it any where else; for if only one Man hath a Divine Right to the Obedience,

bedience of Mankind, no body can claim that Obedience, but he that can ſhew that Right; nor can Mens Conſciences by any other pretence be obliged to it; And thus this Doctrine cuts up all Government by the Roots.

127. Thus we ſee how our *A*— laying it for a ſure Foundation, that the very *Perſon* that is to Rule, is *the Ordinance* of God, and by *Divine Inſtitution*, tells us at large, only that this Perſon is the *Heir*, but who this Heir is, he leaves us to gueſs; and ſo this *Divine Inſtitution* which Aſſigns it to a Perſon, whom we have no Rule to know, is juſt as good as an Aſſignment to no body at all. But whatever our *A*— does, *Divine Inſtitution* makes no ſuch ridiculous Aſſignments, nor can God be ſuppoſed to make it a Sacred Law, that one certain Perſon ſhould have a Right to ſomething, and yet not give Rules to mark out, and know that Perſon by, or give an *Heir* a Divine Right to Power, and yet not point out who that *Heir* is. T'is rather to be thought, that an *Heir* had no ſuch Right by *Divine Inſtitution*, then that God ſhould give ſuch a Right to the *Heir*, but yet leave it doubtful, and undeterminable who ſuch Heir is.

128. If God had given the Land of *Canaan* to *Abraham*, and in general Terms

to ſome body after him, without naming his Seed, whereby it might be known, who that ſome-body was, it would have been as good and uſeful an Aſſignment, to determin the Right to the Land of *Canaan*, as it would to the determining the Right of Crowns, to give Empire to *Adam* and his Succeſſive Heirs after him, without telling who his Heir is; For the word *Heir*, without a Rule to know who it is, ſignifies no more then ſomebody, I know not whom. God making it a *Divine Inſtitution*, that Men ſhould not marry thoſe who were *near of Kin*, thinks it not enough to ſay, *none of you ſhall approach to any that is near of Kin to him, to uncover their Nakedneſs*; But Moreover, gives Rules to know who are thoſe *near of Kin*, forbiden by *Divine Inſtitution*, or elſe that Law would have been of no uſe, it being to no purpoſe to lay reſtraint, or give Priviledges to Men, in ſuch general Terms, as the Particular Perſon concern'd cannot be known by; But God not having any where ſaid, the next Heir ſhall Inherit all his Fathers Eſtate or Dominion, we are not to wonder that he hath no where appointed who that Heir ſhould be, for never having intended any ſuch thing, never deſigned any Heir in that Senſe, we cannot expect he ſhould any where nominate, or appoint

appoint any Person to it, as we might, had it been otherwise, and therefore in Scripture, though the word *Heir* occur, yet there is no such thing as Heir in our *A*—s Sence, one that was by Right of Nature to inherit all that his Father had, exclusive of his Brethren, hence *Sarah* supposes, that if *Ishmael* staid in the House, to share in *Abrahams* Estate after his death, this Son of a Bondwoman, might be Heir with *Isaac* and therefore say, she *cast out this Bond-woman and her Son, for the Son of this Bond-woman shall not be Heir with my Son*; But this cannot excuse our *A*—, who telling us there is in every Number of Men, one who is *Right* and next *Heir to Adam*, ought to have told us what the Laws of descent are, but having been so sparing to instruct us by Rules, how to know who is *Heir*, let us see in the next place, what his History out of Scripture, on which he pretends wholly to build his Government, gives us in this necessary and Fundamental point.

129. Our *A*— to make good the Title of his Book, *p.* 13. begins his History of the descent of *Adams* Regal Power, *p.* 13. In these words: *This Lordship, which* Adam *by Command had over the whole World, and by Right descending from him, the Patriarchs did enjoy was as large*, &c. How

does he prove that the Patriarchs by descent did enjoy it? for *Dominion of Life and Death*, says he, *we find* Judah *the Father pronounced Sentence of Death against* Thamer *his Daughter-in-Law for playing the Harlot*, *p.* 13. How does this prove that *Judah* had Absolute and Sovereign Authority, *He pronounced Sentence of Death*? The pronouncing of Sentence of Death is not a certain mark of Sovereignty, but usually the Office of Inferior Magistrates. The Power of making Laws of Life and Death is indeed a mark of Sovereignty, but pronouncing the Sentence according to those Laws may be done by others, and therefore this will but ill prove that he had Sovereign Authority, as if one should say, *Judge Jefferies*, pronounced Sentence of Death in the late Times, therefore *Judge Jefferies*, had Sovereign Authority: But it will be said, *Judah* did it not by Commission from another, and therefore did it in his own Right. Who knows whether he had any Right at all, heat of Passion might carry him to do that which he had no Authority to do. *Judah had Dominion of Life and Death*, how does that appear? he exercised it, he *pronounced Sentence of Death against* Thamer, our *A--* thinks it very good Proof, that because he did it, therefore he had

had a Right to do it; He lay with her alſo: By the ſame way of Proof, he had a Right to do that too, if the conſequence be good from doing to a Right of doing. *Abſalom* too may be reckon'd amongſt our *A--s* Sovereigns, for he pronounced ſuch a Sentence of Death againſt his Brother *Ammon*, and much upon a like occaſion, and had it executed too; if that be ſufficient to prove a Dominion of Life and Death.

But allowing this all to be clear Demonſtration of Sovereign Power, who was it that had this *Lordſhip by Right deſcending to him from* Adam, *as large and ample as the abſoluteſt Dominion of any Monarch?* Judah, ſays our *A-*, *Judah* a younger Son of *Jacob*, his Father and Elder Brethren living, ſo that if our *A--s* own Proof be to be taken, a younger Brother may in the Life of his Father and Elder Brothers, *by Right of deſcent, enjoy Adams* Monarchical Power, and if one ſo qualified may be Monarch by deſcent, I know not why every Man may not, and if *Judah*, his Father and Elder Brother living were one of *Adams* Heirs, I know not who can be excluded from this Inheritance, all Men by Inheritance may be Monarchs as well as *Judah*.

138. Touching War, we see that *Abraham* Commanded an Army of 318. Souldiers of his own Family; and *Esau* met his Brother *Jacob* with 400 Men at Armes; For matter of Peace; *Abraham* made a League with *Abimelech*, &c. p. 13. Is it not possible for a Man to have 318. Men in his Family, without being Heir to *Adam*? A Planter in the *West-Indies* has more and might if he pleased (who doubts) Muster them up and lead them out against the *Indians*, to seek Reparation upon any Injury received from them, and all this without the *Absolute Dominion of a Monarch, descending to him from Adam.* Would it not be an admirable Argument to prove, that all Power by Gods Institution descended from *Adam* by Inheritance, and that the very Person and Power of this Planter were the *Ordinance of God*, because he had Power in his Family over Servants, born in his House, and bought with his Money; For this was Just *Abrahams* Case: Those who were Rich in the *Patriarchs* Days, as in the *West-Indies* now, bought Men and Maid Servants, and by their increase as well as purchasing of new, came to have large and numerous Families, which though they made use of in War or Peace, can it be thought the Power they had over them was an

Inheritance

Inheritance descended from *Adam*, when 'twas the Purchase of their Money? A Mans Riding in an expedition against an Enemy, his Horse bought in a Fair would be as good a Proof that the owner *enjoy'd the Lordship which* Adam *by Command had over the whole World, by Right descending to him*, as *Abrahams* leading out the Servants of his Family, is that the Patriarchs enjoy'd this Lordship by descent from *Adam* since the Title to the Power, the Master had in both Cases, whether over Slaves or Horses, was only from his purchase; and the getting a Dominion over any thing by Bargain, and Money is a new way of proving one had it by Descent and Inheritance.

131. *But making War and Peace are marks of Sovereignty*; Let it be so in Politic Societies, may not therefore a Man in the *West-Indies* who hath with him Sons of his own Friends, or Companions, Souldiers under Pay, or Slaves bought with Money, or perhaps a Band made up of all these, make War and Peace, if there should be occasion, and *ratifie the Articles too with an Oath*, without being a Sovereign, an Absolute King over those who went with him; he that says he cannot, must then allow many Masters of Ships, many Private Planters to be Absolute Monarchs, for

for as much as this they have done, War and Peace cannot be made for Politic Societies, but by the Supream Power of ſuch Societies, becauſe War or Peace, giving a different Motion to the force of ſuch a Politic Body, none can make War or Peace, but that which has the direction of the force of the whole body, and that in Politic Societies is only the Supream Power. In voluntary Societies for the time, he that has ſuch a Power by conſent, may make War and Peace, and ſo may a ſingle Man for himſelf, the State of War not conſiſting in the number of *Partyſans*, but the enmity of the Parties where they have no Superior to Appeal to.

132. The actual making of War or Peace is no Proof of any other Power, but only of diſpoſing thoſe to exerciſe or ceaſe Acts of enmity for whom he makes it, and this Power in many Caſes any one may have without any Politic Supremacy; And therefore the making of War or Peace will not prove that every one that does ſo is a Politic Ruler, much leſs a King, for then Commonwealths muſt be Kings too, for they do as certainly make War and Peace as Monarchical Governments.

133. But

133. But grant this *a mark of Sovereignty* in *Abraham*, Is it a Proof of the deſcent to him, of *Adams Sovereignty* over the whole World? If it be, it will ſurely be as good a Proof of the *deſcent of Adams Lordſhip* to others too. And then Common-wealths, as well as *Abraham* will be *Heirs* to *Adam*, for they make *War and Peace*, as well as he; If you ſay that the *Lordſhip of Adam*, doth not by Right deſcend to Common-wealths, though they make War and Peace, the ſame ſay I of *Abraham*, and then there is an end of your Argument; if you ſtand to your Argument, and ſay thoſe that do make War and Peace, as Common-wealths do without doubt, do *inherit Adams Lordſhip*, there is an end of your Monarchy, unleſs you will ſay, that Common-wealths *by deſcent enjoying Adams Lordſhip* are Monarchies, and that indeed would be a new way, of making all the Government in the World Monarchical.

134. To give our *A*— the Honour of this new invention, for I confeſs it is not I have firſt found it out by tracing his Principles, and ſo charged it on him, 'tis fit my Readers know that (as abſur'd as it may ſeem) he teaches it himſelf, *p.*23. where he ingeniouſly ſays, *In all Kingdoms and Common-wealths in the World, whether*

whether the Prince be the Supream Father of the People, or but the true Heir to such a Father, or come to the Crown by Usurpation or Election, or whether some few or a Multitude Govern the Common-wealth, yet still the Authority that is in any one, or in many, or in all these is the only Right, and natural Authority of Supream Father, which Right of *Fatherhood* he often tells us, is *Regal and Royal Authority*; as particularly, *p.* 12. the page immediately preceding this Instance of *Abraham*. This Regal Authority, he says, those that govern Common-wealths have, and if it be true, that Regal and Royal Authority be in those that govern Common-wealths it is as true, that Common-wealths are govern'd by Kings, for if Regal Authority be in him that Governs, he that Governs must needs be a King, and so all Common-wealths are nothing but down right Monarchies, and then what need any more ado about the matter, the Governments of the World, are as they should be, there is nothing but Monarchy in it. This without doubt, was the surest way our *A--* could have found, to turn all other Governments, but Monarchical out of the World.

135. But all this scarce proves *Abraham*, to have been a King as Heir to *Adam*; If by Inheritance he had been King, *Lot*, who was

was of the same Family, must needs have been his Subject, by that Title before the Servants in his Family, but we see they lived as Friends and Equals, and when their Herd-Men could not agree, there was no pretence of Jurisdiction or Superiority between them, but they parted by consent, *Gen.* 13. hence he is called both by *Abraham*, and by the Text *Abraham's Brother*, the Name of Friendship and Equality, and not of Jurisdiction and Authority, though he were really but his Nephew. And if our Author knows that *Abraham* was *Adams* Heir, and a King, 'twas more it seems then *Abraham* himself, knew, or his Servant whom he sent a woing for his Son, for when he sets out the advantages of the Match, 24. *Gen.* 35. thereby to prevail with the Young-woman and her Friends. He says, *I am Abrahams Servant, and the Lord hath Blessed my Master greatly, and he is become great, and he hath given him Flocks and Herds and Silver and Gold, and Men-Servants and Maid-Servants, and Camels and Asses, and Sarah my Masters Wife, bare a Son to my Master when she was old, and unto him hath he given all he hath.* Can one think that a discreet Servant, that was thus particular to set out his Masters Greatness, would have omitted the Crown if that was to have it

he

he had known of any such? Can it be imagin'd he should have neglected to have tould them on such an occasion as this, that *Abraham* was a King, a Name well known at that time, for he had nine of them his Neighbours, if he or his Master had thought any such thing, the likeliest matter of all the rest, to make his Errand Successful?

136. But this discovery it seems was reserved for our *A*-- to make 2 or 3000 Years after, and let him injoy the Credit of it, only he should have taken care that some of *Adam's* Land should have descended to this his *Heir*, as well as all *Adams* Lordship, for though this Lordship which *Abraham*, if we may believe our *A*. as well as the other Patriarchs, *by Right descending to him did injoy, was as large and ample as the Absolutest Dominion of any Monarch which hath been since the Creation.* Yet his Estate, his Territories, his Dominions were very narrow and scanty, for he had not the Possession of a Foot of Land, till he bought a Field and a Cave of the Sons of *Heth* to bury *Sarah* in.

137. The instance of *Esau* joyn'd with this of *Abraham*, to prove that the *Lordship which Adam had over the whole World by Right descending from him the Patriarchs did injoy*, is yet more pleasant then the former:

former: *Esau met his Brother* Jacob *with 400 Men at Arms*; He therefore was a King by Right of Heir to *Adam*, 400 Arm'd Men then however got together are enough to prove him that leads them to be a King and *Adams* Heir. There have been Tories in *Ireland*, (whatever there are other in Countries) who would have thankt our *A.* for so honourable an Opinion of them, especially if there had been no body near with a better Title of 500 Armed Men, to question their Royal Authority of 400: 'Tis a shame for Men to trifle so, to say no worse of it, in so serious an Argument: Here *Esau* is brought as a Proof that *Adams* Lordship, *Adams Absolute Dominion*, as *large as that of any Monarch descended by Right to the Patriarchs*, and in this very *Chap. p.* 19. *Jacob* is brought as an instance of one, that by *Birthright was Lord over his Brethren*; so we have here two Brothers Absolute Monarchs by the same Title, and at the same time Heirs to *Adam*; The Eldest Heir to *Adam*, because he met his Brother with 400 Men, and the youngest Heir to *Adam* by *Birthright*, Esau *injoy'd the Lordship which* Adam *had over the whole World by Right descending to him, in as large and ample manner, as the absoluteſt Dominion of any Monarch*, and at the same time, *Jacob*

Lord

Lord over him, by the Right Heirs have to be Lords over their Brethren. Risum teneatis, I never, I confess, met with any Man of Parts so Dexterous as Sir *Robt.* at this way of arguing; But 'twas his Misfortune to light upon Principles that could not be accommodated to the Nature of things and Human Affairs, nor could be made to agree with that Constitution and Order which God had settled in the World, and therefore must needs often clash with common Sense and Experience.

128. In the next Section, he tells us: *This Patriarchal Power continued not only till the Flood, but after it as the name Patriarch doth in part prove.* The word Patriarch doth more then *in part* prove, that *Patriarchal Power* continued in the World as long as there were Patriarchs, for 'tis necessary that Patriarchal Power should be whilst there are Patriarchs, as it is necessary there should be Paternal or Conjugal Power whilst there are Fathers or Husbands; but this is but playing with Names. That which he would fallaciously insinuate is the thing in question to be proved, and that is that *the Lordship which* Adam *had over the World*, the supposed Absolute Universal Dominion of *Adam* by *Right descending from him*, the

Patriarchs

Patriarchs did injoy: If he affirms such an Absolute Monarchy continued to the Flood, in the World, I would be glad to know what Records he has it from; for I confess I cannot find a word of it in my Bible; If by *Patriarchal Power*, he means any thing else, it is nothing to the matter in hand: And how the name *Patriarch* in *some part proves*, that those who are called by that name, had Absolute Monarchical Power, I confess, I do not see, and therefore I think needs no answer, till the Argument from it be made out a little clearer.

139. *The three Sons of Noah had the World, says our A—, divided amongst them by their Father, for of them was the whole World overspread*, p. 14. The World might be overspread by the Off spring of *Noah's* Sons, though he never divided the World amongst them; For the *Earth* might be *Replenished* without being divided, all our *A*'s Argument here, therefore, proves no such Division. However I allow it to him, and then ask, the World being divided amongst them, which of the three was *Adam's* Heir? If *Adam's Lordship*, *Adam's Monarchy*, by Right descended only to the Eldest, then the other two could be but his *Subjects*, his *Slaves*; If by Right it descended to all three Brothers, by the same

Right, it will descend to all Mankind, and then it will be impossible what he says, *p.* 19. that *Heirs are Lords of their Brethren* should be true, but all Brothers, and consequently all Men will be equal and independent, all Heirs to *Adams* Monarchy, and consequently all Monarchs too, one as much as another. But 'twill be said *Noah* their Father divided the World amongst them, so that our *A*-- will allow more to *Noah*, then he will to God Almighty, for *Q.* 213. he thought it hard, that God himself should give the World to *Noah* and his Sons, to the prejudice of *Noah*'s Birth-right, his words are, *Noah was left Sole Heir to the World, why should it be thought that God would disinherit, him of his Birth-right, and make him of all Men in the World, the only Tenant in Common with his Children*, and yet here he thinks it fit, that *Noah* should disinherit *Shem* of his Birth-right, and divide the World betwixt him and his Brethren, so that this *Birth-right*, when our *A*-- pleases, must, and when he pleases must not, be sacred and inviolable.

140. If *Noah* did divide the World between his Sons, and his Assignment of Dominions to them were good, there is an end of Divine Institution, and all our *A*--*s* discourse of *Adams* Heir, with whatsoever

soever he builds on it, is quite out of doors. The natural Power of Kings falls to the ground; and then the form of the Power governing, and the Person having that Power, will be all Ordinances of Man and not of *God*, as our A— says, *O.* 254 For if the Right of the Heir be the Ordinance of God, a Divine Right, no Man, Father, or not Father, can alter it: If it be not a Divine Right, it is only Humane depending on the Will of Man, and so where Humane Institution gives it not, the first Born has no Right at all above his Brethren, and Men may put Government into what hands, and under what form, they please.

141. He goes on *most of the civilleſt Nations of the Earth, labour to fetch their Original from ſome of the Sons or Nephews of Noah*, p. 14. How many do moſt of the civilleſt Nations amount to, and who are they, I fear the *Chineſes*, a very great and civil People, as well as ſeveral other People of the *Eaſt*, *Weſt*, *North* and *South*, trouble not themſelves much about this matter. All that believe the Bible, which I believe are our *A—s moſt of the civilleſt Nations*, muſt neceſſarily derive themſelves from *Noah*, but for the reſt of the World, they think little of his Sons or Nephews. But if the Heralds and Antiquaries

tiquaries of all Nations; for 'tis these Men generally that Labour to find out the Originals of Nations, or all the Nations themselves should Labour to fetch their Original from some of the Sons or Nephews of *Noah*, what would this be to prove, that the *Lordship which Adam had over the whole World, by right descended to the Patriarchs*, who ever, Nations, or Races of Men, *labour to fetch their Original from*, may be concluded to be thought by them, Men of renown, famous to Posterity, for the greatness of their Vertues and Actions; but beyond these they look not, nor consider who they were Heirs to, but look on them as such as raised themselves by their own Vertue to a Degree, that would give a Lustre to those, who in future Ages, could pretend to derive themselves from them. But if it were *Oggyis*, *Hercules*, *Brama*, *Tamberlain*, *Pharamond*, nay *Jupiter* and *Saturn* be Names, from whence divers Races of Men, both ancient and modern, have labour'd to derive their Original, will that prove, that those Men *enjoyed the Lordship of Adam, by right descending to them*; If not, this is but a Flourish of our *A--r* to mislead his Reader that in it self signifies nothing.

142. And therefore to as much purpose, is, what he tells us, *p.* 15. concerning this

this Division of the World, *that some say it was by Lot, and others that Noah sail'd round the Mediterranean in ten years, and divided the World into Asia, Africk and Europe*, Portions for his three Sons, *America* then, it seems, was left to be his that could catch it, why our *A.* takes such pains to prove the Division of the World by *Noah* to his Sons, and will not leave out an imagination, though no better then a Dream, that he can find any where to favour it, is hard to guess, since such a *Division*, if it prove any thing, must necessarily take away the Title of *Adams* Heir, unless three Brothers can altogether be Heirs of *Adam*; And therefore the following words. *Howsoever the manner of this Division be uncertain, yet it is most certain the Division it self, was by Families from Noah and his Children, over which the Parents were Heads and Princes*, p. 15. If allow'd him to be true, and of any force to prove, that all the Power in the World is nothing but the Lordship *of Adams, descending by Right*, they will only prove, that the Fathers of the Children, are all Heirs to this Lordship of *Adam*; for if in those days *Cham* and *Japhet*, and other Parents besides the Eldest Son were Heads and Princes over their Families, and had a right to divide the Earth by Families,

what hinders Younger Brothers, being Fathers of Families from having the ſame Right, how *Cham* or *Japhet* were Princes by Right deſcending to him, notwithſtanding any Title of Heir in his Eldeſt Brother, Younger Brothers by the ſame Right deſcending to them are Princes now, and ſo all our *A*-s natural Power of Kings will reach no farther then their own Children, and no Kingdom by this natural right, can be bigger then a Family; For either this *Lordſhip of Adam over the whole World*, by right deſcends only to the Eldeſt Son, and then there can be but one Heir, as our *A*- ſays, *p.* 19. or elſe it by right deſcends to all the Sons equally, and then every Father of a Family will have it, as well as the three Sons of *Noah*, take which you will, it deſtroys the preſent Governments and Kingdoms that are now in the World, ſince whoever has this *natural Power of a King*, by right deſcending to him, muſt have it either, as our *A*- tells us, *Cain* had it, and be Lord over his Brethren, and ſo be alone King of the whole World, or elſe as he tells us here, *Shem*, *Cham* and *Japhet* had it, three Brothers, and ſo be only Prince of his own Family, and all Families independent one of another; All the World muſt be only one Empire by the Right of the next Heir, or elſe every Family be a di-

distinct Government of it ſelf, by the *Lordſhip of Adams deſcending to Parents of Families.* And to this only tends all the Proofs, he here gives us of the deſcent of *Adams* Lordſhip; For continuing his Story of this deſcent he ſays;

143. *In the diſperſion of* Babel, *we muſt certainly find the Eſtabliſhment of Royal Power, throughout the Kingdoms of the World*, p. 14. If you muſt find it, pray do, and you will help us to a new piece of Hiſtory; But you muſt ſhew it us before we ſhall be bound to believe, that Regal Power was Eſtabliſhed in the World upon your Principles; for, that Regal Power was Eſtabliſhed *in the Kingdoms of the World*, I think no body will diſpute, but that there ſhould be Kingdoms in the World, whoſe ſeveral Kings enjoy'd their Crowns, *by right deſcending to them from Adam*, that we think not only *Apocrypha*, but alſo utterly impoſſible, and if our *A*- has no better Foundation, for his Monarchy then a ſuppoſition of what was done at the diſperſion of *Babel*: The Monarchy he erects thereon, whoſe top is to reach to Heaven to unite Mankind, will ſerve only to divide and ſcatter them as that Tower did, will produce nothing but confuſion.

144. For he tells us, the *Nations* they were divided into, *were* distinct Families, which had Fathers for Rulers over them, whereby it appears that even in the confusion, *God was careful to preserve the Fatherly Authority, by distributing the Diversity of Languages, according to the Diversity of Families*, p. 14. it would have been a hard matter, for any one but our *A* - to have found out so plainly in the Text, he here brings, that all the Nations in that dispersion were governed by *Fathers*, and that *God was careful to preserve the Fatherly Authority*. The words of the Text are: *These are the Sons of* Shem *after their Families, after their Tongues in their Lands, after their Nations*, and the same thing is said of *Cham* and *Japhet*, after an Enumeration of their Posterities, in all which there is not one word said of their Governors, or Forms of Government; of *Fathers*, or *Fatherly Authority*. But our *A*--, who is very quick sighted, to spye out *Fatherhood*, where no body else could see any the least glimpses of it, tells us positively their *Rulers were Fathers, and God was careful to preserve the Fatherly Authority*, and why? because those of the same Family spoke the same Language, and so of necessity in the division kept together, just as if one should argue thus, *Hanibal* in his Army, consisting of divers Nations, kept

kept those of the same Language togegether, therefore Fathers were Captains of each Band, and *Hanibal* was careful of the *Fatherly Authority*, or in Peopling of *Carolina*, the *English*, *French*, *Scotch* and *Welch* that are there, Plant themselves togegether, and by them, the Country is divided *in their Lands after their Tongues, after their Families, after their Nations*, that therefore care was taken of the *Fatherly Authority*, or because in many parts of *America*, every little Tribe, was a distinct People, with a different Language, one should infer, that therefore *God was careful to preserve the Fatherly Authority*, or that therefore their Rulers *enjoy'd Adams Lordship by right descending to them*, though we know not who were their Governors, nor what their Form of Government, but only that they were divided into little Independent Societies, speaking different Languages.

145. The Scripture says not a word of their Rulers or Forms of Government, but only gives an account, how Mankind came to be divided into distinct Languages and Nations; and therefore 'tis not to argue from the Authority of Scripture, to tell us positively, *Fathers* were their *Rulers*, when the Scripture says no such thing, but to set up Phansies of ones own

and

Brain, when we confidently aver Matter of Fact, where records are utterly silent: and therefore the same ground has the rest that he says, *that they were not confused Multitudes without Heads and Governors, and at liberty to choose what Governors or Governments they pleased.*

146. For I demand when Mankind were all yet of one Language, all congregated in the plain of *Shinar*, were they then all under one Monarch, *who enjoyed the Lordship of Adam by right descending to him?* If they were not, there was then no thoughts, 'tis plain, of *Adams Heir*, no right to Government known then upon that Title, no care taken by God or Man, of *Adams Fatherly Authority*: If when Mankind were but one People, dwelt altogether, and were of one Language, and were upon Building a City together, and when 'twas plain, they could not but know the Right Heir, for *Shem* lived till *Isaacs* time, a long while after the Division at *Babel*; If then, I say, they were not under the Monarchical Government of *Adams* Fatherhood, by right descending to the Heir, 'tis plain there was no regard had to the *Fatherhood*, no Monarchy acknowledg'd due to *Adams Heir*, no Empire of *Shems* in *Asia*, and consequently no such Division of the World by *Noah*,

as

as our *A--* has talked of. And as far as we can conclude any thing from Scripture in this matter, it ſeems from this place, that if they had any Government, it was rather a Common-wealth, then an Abſolute Monarchy; For the Scripture tells us, *Gen.* 11. *they ſaid*, 'twas not a Prince commanded, the Building of this City and Tower 'twas not by the command of one *Monarch*, but by the conſultation of many, a Free People, *let us build us a City*; They built it for themſelves as Free-men, not as Slaves for their Lord and Maſter, *that we be not ſcattered abroad*, and for having a City once built, fixed Habitations to ſettle their Bodies and Families. This was the conſultation and deſign of a People, that were at liberty to part aſunder, but deſired to keep in one Body, and could not have been either neceſſary or likely in Men tyed together under the Government of one Monarch, who if they had been, as our *A--* tells us, all *Slaves* under the Abſolute Dominion of a Monarch, needed not have taken ſuch care to hinder themſelves, from wandering out of the reach of his Dominion, I demand whether this be not plainer in Scripture then any thing of *Adams Heir or Fatherly Authority*.

147. But

147. But if being, as God ſays, *Gen.* 11. 6. one People, they had one Ruler, one King by natural Right, Abſolute and Supream over them, *what care had God to preſerve the Paternal Authority of the Supream Fatherhood*, if on a ſuddain, he ſuffers 72 (for ſo many, our *A*-- talks of,) *diſtinct Nations*, to be erected out of it, under diſtinct Governors, and at once to withdraw themſelves, from the Obedidience of their Soveriegn. This is to entitle Gods care, how, and to what, we pleaſe, can it be Senſe to ſay, that God was careful to preſerve *Fatherly Authority* in thoſe who had it not? For if theſe were Subjects under a Supream Prince, what Authority had they, when at the ſame time he takes away the true *Supream Fatherhood* of the natural Monarch? can it be reaſon to ſay, that God for the Preſervation of *Fatherly Authority*, lets ſeveral new Goverments with their Governors ſtart up, who could not all have *Fatherly Authority*, and is it not as much reaſon to ſay, that God is careful to deſtroy *Fatherly Authority* when he ſuffers one who is in Poſſeſſion of it, to have his Government torn in pieces, and ſhared by ſeveral of his Subjects? And would it not be an Argument juſt like this, for Monarchical Government to ſay, when any Monarchy

was

was ſhatter'd to pieces, and divided amongſt revolted Subjects, that God was careful to preſerve Monarchical Power, by rending a ſettled Empire into a multitude of little Governments? If any one will ſay that what happens in providence to be preſerved God is careful to preſerve as a thing, therefore to be eſteemed by Men as neceſſary or uſeful, 'tis a peculiar Propriety of Speech, which every one will not think fit to imitate; but this I am ſure is impoſſible to be either proper, or true ſpeaking, that *Shem* for example (for he was then alive,) ſhould have *Fatherly Authority*, or Sovereignty by right of *Fatherhood* over that one People at *Babel*, and that the next moment *Shem* yet living, 72 others ſhould have *Fatherly Authority*, or Sovereignty by right of Fatherhood over the ſame People, divided into ſo many diſtinct Governments; either theſe 72 Fathers actually were Rulers, juſt before the confuſion, and then they were not one People, but that God himſelf ſays, they were a Commonwealth, and then where was Monarchy? or elſe theſe 72 Fathers, had *Fatherly Authority* but knew it not. Strange! that *Fatherly Authority* ſhould be the only Original of Government amongſt Men, and yet all Mankind not know it, and Stran-

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ger yet, that the confusion of Tongues should reveal it to them all of a suddain, that in an instant these 72 should know, that they had *Fatherly Power*, and all others know that they were to obey it in them, and every one know that particular *Fatherly Authority* to which he was a Subject, he that can think this Arguing from Scripture, may from thence make out what Model of an *Eutopia* will best suit with his Phansy or Interest, and this *Fatherhood* thus disposed of, will justifie both a Prince who claims an Universal Monarchy, and his Subjects, who being Fathers of Families, shall quit all Subjection to him and *Canton* his Empire into less Governments for themselves; for it will always remain a doubt in which of these, the Fatherly Authority resided, till our *A--r* solves us, whether *Shem*, who was then alive, or these 72 new Princes, beginning so many new Empires in his Dominions, and over his Subject, had right to govern, since our *A--* tells us, that both one an tother had *Fatherly*, which is Supream, Authority, and are brought in by him as Instances of those, who did *enjoy the Lordships of Adam by right descending to them, which was as large and ample as the Absolutest Dominion of any Monarch.* This at least is unavoidable, that if *God was careful to preserve*

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the Fatherly Authority, in the 72 new erected Nations, it neceſſarily follows, that he was as careful to deſtroy all pretences of *Adams* Heir, ſince he took care, and therefore did preſerve the Fatherly Authority in ſo many, at leaſt 71, that could not poſſibly be *Adams* Heirs, when the right Heir (if God had ever ordained any ſuch Inheritance) could not but be known, *Shem* then living, and they being all one People.

148. *Nimrod* is his next inſtance of enjoying this Patriarchal Power, *p.* 16. but I know not for what Reaſon our *A*-- ſeems a little unkind to him, and ſays, that he *againſt Right enlarged his Empire, by ſeizing violently on the Rights of other Lords of Families*; Theſe *Lords of Families* here were called *Fathers of Families*, in his account of the diſperſion at *Babel*, but it matters not how they are call'd, ſo we know who they are; for this Fatherly Authority muſt be in them, either as Heirs to *Adam*, and ſo there could not be 72, nor above one at once, or elſe as natural Parents over their Children, and ſo every Father will have *Paternal Authority* over his Children by the ſame Right, and in as large extent as thoſe 72 had, and ſo be Independent Princes over their own Off-ſpring, and his *Lords of Families*, thus underſtood

understood; he gives us a very pretty account of the Original of Monarchy, in the following words; *And in this Sense he may be said to be the Author and Founder of Monarchy*, viz. As against Right seizing violently on the Rights of Fathers over their Children, which Paternal Authority, if it be in them, by Right of Nature; (for else how could those 72 come by it) no body can take from them without their own consents, and then I desire our *A--* and his Friends to consider how far this will concern other Princes, and whether it will not according to his conclusion of that Paragraph, resolve all Regal Power of those, whose Dominions extend beyond their Families, either into Tyranny and Usurpation, or Election and Consent of Fathers of Families, which will differ very little from Consent of the People.

149. All his Instances, in the next *Section*, *p.* 17. Of the 12 Dukes of *Edom*, the 9 Kings in a little corner of *Asia* in *Abrahams* days, the 31 Kings in *Canaan* destroyed by *Joshua*, and the care he takes to prove that these were all Sovereign Princes, and that every Town in those days had a King, are so many direct Proofs against him, that it was not the *Lordship of* Adam *by Right descending*

to

to them that made Kings; for if they had held their Royalties by that Title, either there muſt have been but one Sovereign over them all, or elſe every Father of a Family had been as good a Prince, and had as good a claim to Royalty as theſe; for if all the Sons of *Eſau*, had each of them, the Younger as well as the Eldeſt, the right of *Fatherhood*, and ſo were Sovereign Princes after their Fathers Death, the ſame Right had their Sons after them, and ſo on to all Poſterity, which will limit all the natural Power of Fatherhood, only to be over the Iſſue of their own bodies, and their deſcendants which Power of Fatherhood dies with the head of each Family, and makes way for the like Power of Fatherhood to take place, in each of his Sons over their reſpective Poſterities, whereby the Power of Fatherhood will be preſerv'd indeed, and is intelligible, but will not be at all to our *A--s* purpoſe, nor are any of the inſtances he brings Proofs of any Power they had by Title of Fatherhood as Heirs of *Adam's* Paternal Authority, nor by Vertue of their own: For *Adams Fatherhood* being over all Mankind, it could deſcend but to one at once, and from him to his right Heir only, and ſo there could by that Title be but one King in the World

at a time; And by Right of Fatherhood, not deſcending from *Adam*, it muſt be only as they themſelves were Fathers, and ſo could be over none but their own Poſterity; ſo that if thoſe 12 Dukes of *Edom*, of *Abraham*, and 9 Kings his Neighbours: If *Jacob* and *Eſau* and 31 Kings in *Canaan*, the 72 Kings mutilated by *Adonibeſeck*, the 32 Kings that came to *Benaded*, the 70 Kings of *Greece* making War at *Troy*, were as our *A-* contends all of them Sovereign Princes. 'Tis evident that Kings derived their Power from ſome other Original *then Fatherhood*, ſince ſome of theſe had Power over more then their own Poſterity, and 'tis Demonſtration, they could not be all Heirs to *Adam*: For I challenge any Man to make any pretence to Power by Right of *Fatherhood*, either intelligible or poſſible in any one, otherwiſe, then either as *Adams* Heir, or as Progenitor over his own deſcendants, naturally ſprung from him. And if our *A-* could ſhew that any one of theſe Princes, of which he gives us here ſo large a Catalogue, had his Authority by either of theſe Titles, I think I might yield him the Cauſe, though 'tis manifeſt they are all impertinent and directly contrary to what he brings them to prove, *viz.* That the *Lordſhip which* Adam

had

had over the World by Right deſcended to the Patriarchs.

150. Having told us, *p.* 16. That *the Patriarchal Government continued in* Abraham, Iſaac *and* Jacob, *until the* Egyptian *Bondage*, p. 17. he tells us, *By manifeſt Footſteps we may trace this Paternal Government unto the* Iſraelites *coming into* Egypt, *where the exerciſe of Supream Patriarchal Government was intermitted, becauſe they were in Subjection to a ſtronger Prince*, what theſe Footſteps are of paternal Government, in our *A*-Senſe, *i. e.* of Abſolute Monarchical Power deſcending from *Adam*, and exerciſed by Right of Fatherhood we have ſeen, that is for 2290 Years no Footſteps at all, ſince in all that time he cannot produce any one Example of any Perſon who Claim'd or Exerciſed Regal Authority by Right of *Fatherhood*, or ſhew any one who being a King was *Adams* Heir; All that his Proofs amount to, is only this, that there were Fathers, Patriarchs and Kings in that Age of the World, but that the Fathers and Patriarchs had any Abſolute Arbitrary Power, or by what Titles thoſe Kings had theirs, and of what extent it was, the Scripture is wholly ſilent; 'tis manifeſt by Right of *Fatherhood* they neither did, nor

could claim any Title to Dominion and Empire.

151. To ſay, *that the Exerciſe of Supream Patriarchal Government was intermitted, becauſe they were in Subjection to a ſtronger Prince*, proves nothing but what I before ſuſpected, *viz.* That *Patriarchal Juriſdiction or Government* was a fallacious expreſſion, and does not in our *A-* ſignifie what he would yet inſinuate by it, *Paternal* and *Regal Power*, ſuch an Abſolute Sovereignty as he ſuppoſes was in *Adam*.

152. For how can he ſay that *Patriarchical Juriſdiction was intermitted* in *Egypt*, where there was a King, under whoſe Regal Government the *Iſraelites* were? If *Patriarchal* were *Abſolute Monarchical Juriſdiction*, and if it were not, but ſomething elſe, why does he make ſuch a do about a Power not in queſtion, and nothing to the purpoſe? The Exerciſe of *Patriarchal* Juriſdiction, if *Patriarchal* be *Regal*, was not intermitted whilſt the *Iſraelites* were in *Egypt*. 'Tis true, the Exerciſe of *Regal* Power was not then in the hands of any of the promiſed Seed of *Abraham*, nor before neither that I know, but what is that to the intermiſſion of *Regal Authority*, *as deſcending*

ding from Adam, unleſs our *A-* will have it, that this choſen Line of *Abraham*, had the Right of Inheritance to *Adams* Lordſhip, and then to what purpoſe are his inſtances of the 72 Rulers, in whom the Fatherly Authority was preſerved in the confuſion at *Babel* of *Eſau*, and the 12 Dukes of *Edom*, why are theſe brought as examples, of the exerciſe of true *Patriarchal Government*, and joyn'd with thoſe of *Abraham* and *Judah*? If the exerciſe of *Patriarchical Juriſdiction* were intermitted in the World, when ever the Poſterity of of *Jacob* had not Supream Power. I imagined Monarchical Government, would have ſerved his turn in the hands of *Pharoh* or any body. But one cannot eaſily diſcover in all places what his diſcourſe tends to, as particularly in this place, it is not obvious to gueſs what he drives at, when he ſays, *the exerciſe of Supream Patriarchal Juriſdiction* in *Egypt*, or how this ſerves to make out the deſcent of *Adams* Lordſhip to the Patriarchs or any body elſe.

153. For I thought he had been giving us out of Scripture, Proofs and Examples of Monarchical Government, founded on Paternal Authority, deſcending from *Adam*, and not an Hiſtory of the *Jews*, amongſt whom yet we find no Kings, till many

Years after they were a People, and no mention of their being Heirs to *Adam*, or Kings by Paternal Authority when they had them; I expected, talking so much as he does of Scripture, that he would have produced thence a Series of Monarchs, whose Titles were clear to *Adams Fatherhood*, and who, as Heirs to him, own'd and exercised Paternal Jurisdiction over their Subjects, and that this was the true Patriarchical Government, whereas he neither proves that the Patriarchs were Kings, nor that either Kings or Patriarchs were Heirs to *Adam*, or so much as pretended to it; And one may as well prove, that the Patriarchs were all Absolute Monarchs, that the Power both of Patriarchs, and Kings was only Paternal, and that this Power descended to them from *Adam*, I say all these Propositions may be as well proved by a confused account of a multitude of little Kings in the *West-Indies*, out of *Ferdinando Soto*, or any of our late Histories of the *Northern America*, or by our *A--s* 70 Kings of *Greece*, out of *Homer*, as by any thing he brings out of Scripture, in that Multitude of Kings he has reckon'd up.

154. And methinks he should have let *Homer* and his Wars of *Troy* alone, since his great Zeal to Truth or Monarchy carried

ried him, to such a pitch of transport against *Philosophers and Poets*, that he tells us in his Preface, that there *are too many in these days, who please themselves in running after the Opinions of Philosophers and Poets, to find out such an Original of Government, as might promise them some Title to Liberty, to the great Scandal of Christianity, and bringing in of Atheism.* And yet these Heathen Philosophers, *Aristotle* and Poet *Homer*, are not rejected by our zealous Christian Politician when ever they offer any thing, that seems to serve his turn.

But to return to his Scripture History, our *A*-- farther tells us, *p.* 18. that *after the return of the* Israelites *out of* Bondage, *God out of a special care of them, chose* Moses *and* Joshua *Successively to Govern as Princes in the place and stead of the Supream Fathers.* If it be true, that they *returned out of Bondage*, it must be into a State of Freedom and must imply, that both before and after this *Bondage* they were Free, unless our *A*-- will say, that changing of Masters, is returning *out of Bondage*, or that a Slave *returns out of Bondage*, when he is removed from one Gally to another: If then they *returned out of Bondage*, 'tis plain that in those days, whatever our *A*- in his Preface says to the contrary, there was difference between a *Son*, a *Subject* and a *Slave*, and

that neither the *Patriarchs* before, nor their Rulers after this *Egyptian Bondage, numbered their Sons or Subjects amongst their Poſſeſſions*, and diſpoſed of them with as Abſolute a Dominion, as they did *their other Goods*.

155. This is evident in *Jacob*, to whom *Reuben* offered his two Sons as Pledges, and *Judah* was at laſt ſurety for *Benjamins* ſafe return out of *Egypt*, which all had been vain, ſuperfluous, and but a ſort of mockery; If *Jacob* had had the ſame Power over every one of his Family as he had over his Ox or his Aſs, as an *Owner* over his *Subſtance*, and the offers that *Reuben* or *Judah* made, had been ſuch a Security for returning of *Benjamin*, as if a Man ſhould take two Lambs out of his Lords flock, and offer one as ſecurity, that he will ſafely reſtore the other.

156. When they were out of this *Bondage*, what then, *God out of a Special care of them, the Iſraelites*. 'Tis well that once in his Book, he will allow God to have any care of the People, for in other places he ſpeaks of Mankind, as if God had no care of any part of them, but only of their Monarchs, and that the reſt of the People, the Societies of Men, were made as ſo many Herds of Cattle, only for the Service, Uſe and Pleaſure of their Princes.

157. Choſe

157. Choſe *Moſes* and *Joſhuah* Succeſſively to Govern as Princes, a ſhreud Argument our *A*— has found out to prove God's care of the Fatherly Authority, and *Adams* Heirs, that here as an expreſſion of his care of his own People, he chooſes thoſe for Princes over them, that had not the leaſt pretence to either *Moſes* of the Tribe of *Levy*, and *Joſhuah* of the Tribe of *Ephraim*, neither of which had any Title of *Fatherhood*: But ſays our *A*- they were in the place and ſtead of the Supream Fathers: If God had any where, as plainly declared his choiſe of ſuch *Fathers* to be Rulers, as he did of *Moſes* and *Joſhuah*, we might believe *Moſes* and *Joſhuah* were in *their place and ſtead*, but that being the queſtion in debate, till that be better proved, *Moſes* being choſen by God to be Ruler of his People, will no more prove that Government belong'd to *Adams Heir* or to the *Fatherhood*, then Gods chooſing *Aaron* of the Tribe of *Levy* to be Prieſt, will prove that the Prieſthood belonged to *Adams* Heir or the *Prime-fathers*, ſince God could chooſe *Aaron* to be Prieſt, and *Moſes* Ruler in *Iſrael*, though neither of thoſe Offices, were ſetled on *Adams Heir* or the *Fatherhood*.

158. Our

158. Our *A-* goes on, *and after them likewise for a time he raised up Judges, to defend his People in time, of peril, p.* 18. This proves Fatherly Authority to be the Original of Government, and that it descended from *Adam* to his Heirs, just as well as what went before, only here our *A-* seems to confess that these *Judges*, who were all the Governors they then had, were only Men of valour, whom they made their Generals to defend them in time of peril, and cannot God raise up such Men, unless Fatherhood have a Title to Government?

159. But says our *A-*, when God gave the *Israelites* Kings, he re-established the ancient and prime Right of Lineal Succession to Paternal Government, *p.* 18.

160. How did God *re-establish* it by a Law, a positive command? we find no such thing. Our *A* means then, that when God gave them a King, in giving them a King, he *re-established the Right, &c.* To re-establish *de facto* the Right of Lineal Succession to Paternal Government, is to put a Man in Possession of that Government which his Fathers did enjoy, and he by Lineal Succession had a Right to; for first, if it were another Government then what his Ancestors had, it was not succeeding to an *Ancient Right*, but beginning a new

new one; for if a Prince ſhould give a Man, beſides his Ancient Patrimony, which for ſome Ages his Family had been diſ-ſeized of, an additional Eſtate, never before in the Poſſeſſion of his Anceſtors, he could not be ſaid to *re-eſtabliſh the Right of Lineal Succeſſion*, to any more then what had been formerly enjoy'd by his Anceſtors; if therefore the Power the Kings of *Iſrael* had, were any thing more than *Iſaac* or *Jacob* had, it was not the *re-eſtabliſhing* in them the Right of Succeſſion to a Power, but giving them a new Power, however you pleaſe to call it *Paternal* or not, and whether *Iſaac* and *Jacob* had the ſame Power, that the Kings of *Iſrael* had; I deſire any one, by what has been above ſaid, to conſider, and I do not think they will find that either *Abraham*, *Iſaac* or *Jacob*, had any Regal Power at all.

161. Next, there can be no *Re-eſtabliſhment of the Prime and Ancient Right of Lineal Succeſſion* to any thing, unleſs he that is put in Poſſeſſion of it, has the right to ſucceed, and be the true and next Heir to him he ſucceeds to; can that be a Re-eſtabliſhment, which begins in a new Family, or that the *Re-eſtabliſhment of an Ancient Right of Lineal Succeſſion*, when a Crown is given to one, who has no Right of Succeſſion to it, and who if the Lineal

Succeſſion

Succeſſion had gone on, had been out of all poſſibility of pretence to it? *Saul* the firſt King, God gave the *Iſraelites*, was of the Tribe of *Benjamin*, was *the Ancient and Prime Right of Lineal Succeſſion Re-eſtabliſhed* in him? the next was *David* the Youngeſt Son of *Jeſſe*, of the Poſterity of *Judah*, *Jacobs* 3d Son, was the *Ancient and Prime Right of Lineal Succeſſion to Paternal Government Re-eſtabliſh'd* in him? or in *Solomon* his Younger Son and Succeſſor in the Throne? or in *Jeroboham* over the ten Tribes? or in *Athaliah*? who Reigned ſix Years an utter Stranger to the Royal Blood. *If the Ancient and Prime Right of Lineal Succeſſion to Paternal Government*, were *Re eſtabliſh'd* in any of theſe or their Poſterity. *The Ancient and Prime Right of Lineal Succeſſion to Paternal Government*, belongs to Younger Brothers, as well as Elder, and may be Re-eſtabliſh'd in any Man living, for whatever Younger Brothers by *Ancient and Prime Right of Lineal Succeſſion*, may have as well as the Elder, that every Man living may have a Right to, by Lineal Succeſſion, and Sr. *Robt.* as well as any other. And ſo what a brave Right of Lineal Succeſſion to his *Paternal* or *Regal* Government, our *A*-- has Re-eſtabliſh'd, for the ſecuring the Rights and Inheritance of Crowns, where every one

one may have it, let the World conſider.

162. But ſays our *A*-- however, *p.* 19. *whenſoever God made choice of any ſpecial Perſon to be King, he intended that the iſſue alſo ſhould have benefit thereof, as being comprehended ſufficiently in the Perſon of the Father, although the Father was only named in the Grant.* This yet will not help out Succeſſion, for if as our *A*- ſays, the benefit of the Grant be intended to the Iſſue of the Grantee, this will not direct the Succeſſion, ſince, if God give any thing to a Man and his *Iſſue* in general, the Claim cannot be to any one of that *Iſſue* in particular, every one that is of his race, will have an equal Right; If it be ſaid our *A*— meant *Heir*, I believe our *A*- was as willing as any Body to have uſed that word, if it would have ſerved his turn, but *Solomon* who ſucceeded *David* in the Throne, being no more his Heir then *Jeroboam*, who ſucceeded him in the Government of the ten Tribes was his iſſue, our *A*- had reaſon to avoid ſaying, that God intended it to the *Heirs*, when that would not hold in a Succeſſion, which our *A*- could not except againſt, and ſo he has left his Succeſſion as undetermin'd, as if he had ſaid nothing about it, for if the Regal Power be given by God to a Man and his

Iſſue,

Iſſue, as the Land of *Canaan* was to *Abraham* and his Seed, muſt they not all have a Title to it, all ſhare in it? And one may as well ſay, that by Gods Grant to *Abraham* and his Seed, the Land of *Canaan* was to belong only to one of his Seed excluſive of all others, as by Gods Grant of Dominion to a Man and *his Iſſue*, this Dominion was to belong all to one of his Iſſue excluſive of all others.

163. But how will our *A-* prove that whenſoever God made choice of any ſpecial Perſon to be a King, he intended that *the* (I ſuppoſe he means his) Iſſue, alſo ſhould have benefit thereof: Has he ſo ſoon forgot *Moſes* and *Joſhua* whom in this very *Section*, he ſays, *God out of a ſpecial care choſe to govern as Princes*, and the Judges that God raiſed up. Had not theſe Princes, having the Authority of the *Supream Fatherhood*, the ſame Power that the Kings had, and being ſpecially choſen by God himſelf, ſhould not their Iſſue have the benefit of that choice as well as *David* or *Solomon*? If theſe had the Paternal Authority put into their hands immediately by God, why had not their *Iſſue* the benefit of this Grant in a Succeſſion to this Power? Or if they had it as *Adams* Heirs, why did not their Heirs enjoy

joy it after them by Right descending to them, for they could not be Heirs to one another? was the Power the same, and from the same Original in *Moses*, *Joshua* and the *Judges*, as it was in *David* and the *Kings*, and was it inheritable in one and not in the other? If it was not *Paternal Authority*, then Gods own People were govern'd by those that had not *Paternal Authority*, and those Governours did well enough without it: If it were *Paternal Authority* and God chose the Persons that were to exercise it, our *A-s* Rule fails, that *whensoever God makes choice of any Person to be Supream* Ruler (for I suppose the name King has no Spell in it 'tis not the Title, but the Power makes the difference) *he intends that the Issue also should have the benefit of it*, since from their coming out of *Egypt* to *Davids* time 400 Years, the *Issue* was never *so sufficiently comprended in the Person of the Father*, as that any Son after the Death of his Father, succeeded to the Government amongst all those Judges that judged *Israel*; If to avoid this, it be said, God always chose the Person of the Successor, and so transferring the *Fatherly Authority* to him, excluded his Issue from succeeding to it, that is manifestly, not so in the Story of *Jephtha*, where he Articled with the

the People, and they made him judge over them, as is plain. *Judg.* 11.

164. 'Tis in vain then to say, that *whensoever God chooses any special Person* to have the exercise of *Paternal Authority* (for if that be not to be King, I desire to know the difference between a King and one having the exercise of *Paternal Authority*) *he intends the Issue also should have the benefit of it*, since we find the Authority, the Judges had, ended with them, and descended not to their Issue, and if the Judges had not *Paternal Authority*, I fear it will trouble our *A--*, or any of the Friends to his Principles, to tell who had then the *Paternal Authority*, that is, the Government and Supream Power amongst the *Israelites*, and I suspect they must confess that the chosen People of God continued a People several hundreds of Years, without any Knowledge or Thought of this *Paternal Authority*, or any appearance of Monarchical Government at all.

165. To be satisfied of this, he need but read the Story of the *Levite*, and the War thereupon with the *Benjamites*, in the 3. last *Chap.* of *Jud.* and when he finds that the *Levite* appeals to the People for Justice, that it was the Tribes and the Congregation that debated, resolved and

and directed all that was done on that occaſion: he muſt conclude either that *God* was not *careful to preſerve the Fatherly Authority* amongſt his own choſen People, or elſe that the *Fatherly Authority* may be preſerved where there is no Monarchical Government; If the latter, then it will follow that though *Fatherly Authority* be never ſo well proved, yet it will not infer a neceſſity of Monarchical Government; If the former, it will ſeem very ſtrange and improbable that God ſhould ordain *Fatherly Authority* to be ſo Sacred amongſt the Sons of Men, that there could be no Power nor Government without it, and yet that amongſt his own People, even whilſt he is providing a Government for them, and therein preſcribes Rules to the ſeveral States and Relations of Men, this Great and Fundamental one, this moſt material and neceſſary of all the reſt ſhould be concealed, and lye neglected for 400 Years after.

166. Before I leave this, I muſt ask how our *A-* knows that *whenſoever God makes choice of any ſpecial Perſon to be King, he intends that the Iſſue ſhould have the benefit thereof*, does God by the Law of Nature or Revelation ſay ſo? By the ſame Law

alſo he muſt ſay, which of his *Iſſue* muſt enjoy the Crown in Succeſſion, and ſo point out the Heir, or elſe leave his *Iſſue* to divide or ſcramble for the Government: both alike abſurd, and ſuch as will deſtroy the benefit of ſuch Grant to the *Iſſue*. When any ſuch Declaration of Gods Intention is produced, it will be our Duty to believe God intends it ſo, but till that be done, our *A*-- muſt ſhew us ſome better Warrant before we ſhall be obliged to receive him as the Authentic Reveler of Gods Intentions.

167. *The Iſſue*, ſays our *A*--, *is comprehended ſufficiently in the Perſon of the Father, although the Father only was named in the Grant*: And yet God when he gave the Land of *Canaan* to *Abraham*, *Gen.* 13. 15. thought fit to put *his Seed* into the Grant too, ſo the Prieſthood was given to *Aaron and his Seed*; And the Crown God gave not only to *David*, but *his Seed* alſo: And however our *A*-- aſſures us that *God intends, that the Iſſue ſhould have the benefit of it, when he chooſes any Perſon to be King*, yet we ſee that the Kingdom he gave to *Saul*, without mentioning his Seed after him never came to any of his *Iſſue*, and why when God

choſe

choſe a Perſon to be King, he ſhould intend that his *Iſſue* ſhould have the benefit of it, more then when he choſe one to be Judg in *Iſrael*; I would fain know a reaſon; or why does a Grant of *Fatherly Authority* to a King more comprehend the *Iſſue*, then when a like Grant is made to a Judge? Is *Paternal Authority* by Right to deſcend to the *Iſſue* of one and not of the other? there will need ſome Reaſon to be ſhewn of this difference, more then the name, when the thing given is the ſame *Fatherly Authority*, and the manner of giving it Gods choice of the Perſon, for I ſuppoſe our *A-* when he ſays, *God raiſed up Judges*, will by no means allow they were choſen by the People.

168. But ſince our *A-* has ſo confidently aſſured us of the care of God to preſerve the *Fatherhood*, and pretends to build all, he ſays, upon the Authority of the Scripture, we may well expect that that People whoſe Law, Conſtitution and Hiſtory is chiefly contain'd in the Scripture, ſhould furniſh him with the cleareſt Inſtances of Gods care of preſerving of the Fatherly Authority, in that People who 'tis agreed he had a moſt peculiar care of, let us ſee then what State this

Paternal Authority or Government was in amongst the *Jews*, from their beginning to be a People. It was omitted by our *A.*'s confession, from their coming into *Egypt*, till their return out of that Bondage: above 200 Years. From thence till God gave the *Israelites* a King about 400 Years more, but *A.* gives but a very slender account of it, nor indeed all that time are there the least Footsteps of Paternal or Regal Government amongst them. But then says our *A.*, *God Re-establish'd the Ancient and Prime Right of lineal Succession to Paternal Government.*

169. What a *Lineal Succession to Paternal Government* was then Establish'd, we have already seen. I only now consider how long this lasted, and that was to their Captivity about 500 Years: From whence to their Destruction by the *Romans*, above 650 Years after, the *Ancient and Prime Right of lineal Succession to Paternal Government* was again lost, and they continued a People in the promised Land without it; so that of 1750 Years that they were Gods peculiar People, they had Hereditary Kingly Government amongst them, not one third of the time, and of that time there is not the least Footsteps of

of one moment of *Paternal Government, nor the Re-eſtabliſhment of the Ancient and Prime Right of lineal Succeſſion to it*, whether we ſuppoſe it to be derived as from its Fountain, from *David*, *Saul*, *Abraham*, or which upon our *A-s* Principles is the only true ; From *Adam*. ****

P 3 AN

AN
ESSAY
Concerning the
True Oringinal, Extent and End
OF
CIVIL GOVERNMENT.

BOOK II.

CHAP. I.

1. IT having been ſhewn in the foregoing Diſcourſe.

1°. That *Adam* had not either by natural Right of Fatherhood, or by poſitive Donation from God, any ſuch Authority over his Children, nor Dominion over the World as is pretended.

2°. That if he had his Heirs, yet, had no Right to it.

3°. That if his Heirs had, there being no Law of Nature nor poſitive Law of God that determins, which is the Right Heir in all Caſes that may ariſe, the Right of Succeſſion, and conſequently of bearing Rule, could not have been certainly determined.

4°. That if even that had been determined, yet the knowledge of which is the Eldeſt Line of *Adams* Poſterity, being ſo long ſince utterly loſt that in the Races of Mankind and Families of the World, there remains not to one

one above another, the leaſt pretence to be the Eldeſt Houſe, and to have the Right of Inheritance.

All theſe premiſes having, as I think, been clearly made out, it is impoſſible that the Rulers now on Earth, ſhould make any benefit, or derive any the leaſt ſhadow of Authority from that, which is held to be the Fountain of all Power, *Adams Private Dominion and Paternal Juriſdiction*, ſo that, he that will not give juſt occaſion, to think that all Government in the World, is the product only of Force and Violence, and that Men live together by no other Rules but that of Beaſts, where the ſtrongeſt carries it, and ſo lay a Foundation for perpetual Diſorder and Miſchief, Tumult, Sedition and Rebellion, (things that the followers of that Hipotheſis ſo loudly cry out againſt) muſt of neceſſity find out another riſe of Government, another Original of Political Power, and another way of deſigning and knowing the Perſons that have it, then what Sr. *Robt. F.* hath taught us.

2. To this purpoſe, I think it may not be amiſs, to ſet down what I take to be Political Power. That the Power of a Magiſtrate over a Subject, may be diſtinguiſhed from that of a Father over his Children,

Children, a Master over his Servant, a Husband over his Wife, and a Lord over his Slave. All which distinct Powers happening sometimes together in the same Man, if he be considered under these different Relations, it may help us to distinguish these Powers one from another, and shew the difference betwixt a Ruler of a Common-wealth, a Father of a Family, and a Captain of a Gally.

3. Political Power, then I take to be a Right of making Laws with Penalties of death, and consequently all less Penalties, for the Regulating and Preserving of Property, and of employing the force of the Community, in the Execution of such Laws, and in the defence of the Common-wealth from Foreign Injury, and all this only for the Public Good.

CHAP.

CHAP. II.

Of the State of Nature.

4. TO underſtand Political Power a right, and derive it from its Original, we muſt conſider what Eſtate all Men are naturally in, and that is, a State of perfect Freedom to order their Actions, and diſpoſe of their Poſſeſſions, and Perſons as they think fit, within the bounds of the Law of Nature, without asking leave, or depending upon the Will of any other Man.

A State alſo of Equality, wherein all the Power and Juriſdiction is reciprocal, no one having more then another, there being nothing more evident, then that Creatures of the ſame ſpecies and rank promiſcuouſly born to all the ſame advantages of Nature, and the uſe of the ſame faculties, ſhould alſo be equal one amongſt another without Subordination or Subjection, unleſs the Lord and Maſter of them

them all, ſhould by any manifeſt Declaration of his Will ſet one above another, and confer on him by an evident and clear appointment an undoubted Right to Dominion and Sovereignty.

5. This equality of Men by Nature, the Judicious *Hooker* looks upon as ſo evident in it ſelf, and beyond all queſtion, that he makes it the Foundation of that Obligation to mutual Love amongſt Men, on which he Builds the Duties they owe one another, and from whence he derives the great Maxims *of Juſtice* and *Charity*. His words are;

The like natural inducement, hath brought Men to know that it is no leſs their Duty, to Love others then themſelves, for ſeeing thoſe things which are equal, muſt needs all have one meaſure; If I cannot but wiſh to receive good, even as much at every Mans hands, as any Man can wiſh unto his own Soul, how ſhould I look to have any part of my deſire herein ſatisfied, unleſs my ſelf be careful to ſatisfie the like deſire, which is undoubtedly in other Men weak, being of one and the ſame nature; to have any thing offered them repugnant to this deſire, muſt needs in all reſpects grieve them as much as

me,

me, ſo that if I do harm, I muſt look to ſuffer, there being no reaſon that others ſhould ſhew greater meaſure of love to me, then they have, by me, ſhewed unto them; my deſire therefore to be loved of my equals in nature, as much as poſſible may be, impoſeth upon me a natural Duty of bearing to themward, fully the like affection; From which relation of equality between our ſelves and them, that are as our ſelves, what ſeveral Rules and Canons, natural reaſon hath drawn for direction of life, no Man is Ignorant. Eccl. Pol. Li. 1.

6. But though this be a State of Liberty, yet it is not a State of Licence; though Man in that State have an uncontroleable Liberty, to diſpoſe of his Perſon or Poſſeſſions, yet he has not Liberty to deſtroy himſelf, or ſo much as any Creature in his Poſſeſſion, but where ſome nobler uſe, then its bare Preſervation calls for it. The State of Nature, has a Law of Nature to govern it, which obliges every one, and reaſon, which is that Law, teaches all Mankind, who will but conſult it; That being all equal and independent, no one ought to harm another in his Life, Health, Liberty or Poſſeſſions; for Men being all the Workmanſhip of one Omnipotent, and

and infinitely wiſe maker: All the Servants of one Sovereign Maſter, ſent into the World by his order and about his buſineſs. They are his Property, whoſe Workmanſhip they are made to laſt during his, not one anothers Pleaſure. And being Furniſhed with like Faculties, ſharing all in one Community of Nature, there cannot be ſuppoſed any ſuch Subordination among us, that may Authorize us to deſtroy one another, as if we were made for one anothers uſes, as the inferior ranks of Creatures are for ours, every one as he is bound to preſerve himſelf, and not to quit his Station willfully, ſo by the like reaſon when his own Preſervation comes not in competition, ought he as much as he can to preſerve the reſt of Mankind, and not unleſs it be to do Juſtice on an offender, take a way, or impair the the life, or what tends to the Preſervation of the Life, the Liberty, Health, Limb or Goods of another.

7. And that all Men may be reſtrained from invading others Rights, and from doing hurt to one another, and the Law of Nature be obſerved, which willeth the Peace and Preſervation of all Man-

Mankind, the Execution of the Law of Nature is in that State, put into every Mans hands, whereby every one has a Right to punish the transgressors of that Law to such a Degree, as may hinder its Violation. For the Law of Nature would, as all other Laws that concern Men in this World, be in vain, if there were no body that in the State of Nature, had a Power to Execute that Law, and thereby preserve the innocent and restrain offenders, and if any one in the State of Nature may punish another, for any evil he has done, every one may do so. For in that State of perfect Equality, where naturally there is no superiority or jurisdiction of one over another, what any may do in Prosecution of that Law, every one must needs have a Right to do.

8. And thus in the State of Nature, one Man comes by a Power over another; but yet no Absolute or Arbitrary Power, to use a Criminal when he has got him in his hands, according to the passionate heats, or boundless extravagancy of his own Will, but only to retribute to him, so far as calm reason and conscience dictates, what is proportionate

portionate to his Tranſgreſſion, which is ſo much as may ſerve for Reparation and Reſtraint. For theſe two are the only reaſons, why one Man may lawfully do harm to another, which is that we call puniſhment. In trangreſſing the Law of Nature, the Offender declares himſelf to live by another Rule, then that of reaſon and common equity, which is that meaſure God has ſet to the actions of Men, for their mutual ſecurity, and ſo he becomes dangerous to Mankind, the tye, which is to ſecure them from injury and violence, being ſlighted and broken by him, which being a treſpaſs againſt the whole Species, and the Peace and Safety of it, provided for by the Law of Nature, every Man upon this ſcore, by the Right he hath to preſerve Mankind in general, may reſtrain, or where it is neceſſary, deſtroy things noxious to them, and ſo may bring ſuch evil on any one, who hath tranſgreſſed that Law, as may make him repent the doing of it, and thereby deter him, and by his Example others, from doing the like miſchief. And in this caſe, and upon this ground, every Man hath a Right to puniſh the Offender, and be Executioner of the Law of Nature.

9. I doubt not but this will ſeem a very ſtrange Doctrin to ſome Men, but before they condemn it, I deſire them to reſolve me by what Right any Prince or State can put to death, or puniſh an Alien, for any Crime he commits in their Country. 'Tis certain their Laws by vertue of any Sanction, they receive from the promulgated Will of the Legiſlative, reach not a Stranger. They ſpeak not to him, nor if they did, is he bound to hearken to them. The Legiſlative Authority, by which they are in Force over the Subjects of that Common-wealth, hath no Power over him. Thoſe who have the Supream Power of making Laws in *England*, *France* or *Holland*, are to an *Indian*, but like the reſt of the World, Men without Authority: And therefore if by the Law of Nature, every Man hath not a Power to puniſh Offences againſt it, as he ſoberly Judges the Caſe to require, I ſee not how the Magiſtrates of any Community, can puniſh an Alien of another Country, ſince in reference to him, they can have no more Power, then what every Man naturally may have over another.

10. Beſides

10. Beſides the Crime which conſiſts in violating the Laws, and varying from the right Rule of reaſon, whereby a Man ſo far becomes degenerate, and declares himſelf to quit the Principles of Human Nature, and to be a noxious Creature, there is commonly injury done, and ſome Perſon or other, ſome other Man, receives damage by his tranſgreſſion, in which Caſe he who hath received any damage, has beſides the Right of puniſhment common to him, with other Men, a particular Right, to ſeek Reparation from him that has done it. And any other Perſon who finds it juſt, may alſo joyn with him that is injur'd, and aſſiſt him in recovering from the Offender, ſo much as may make ſatisfaction for the harm he has ſuffer'd.

11. From theſe two diſtinct Rights, the one of Puniſhing the Crime for reſtraint, and preventing the like Offence, which right of puniſhing is in every body; the other of taking reparation, which belongs only to the injured party, comes it to paſs that the Magiſtrate, who by being Magiſtrate,

hath the common right of punishing put into his hands, can often where the public good demands not the Execution of the Law, remit the punishment of Criminal Offences by his own Authority, but yet cannot remit the satisfaction due to any Private Man, for the damage he has received. That, he who has suffered the damage has a Right to demand in his own name, and he alone can remit; The damnified Person has this Power of appropriating to himself, the Goods or Service of the Offender, by Right of self Preservation, as every Man has a Power to punish the Crime, to prevent its being committed again, by the Right he has of Preserving all Mankind, and doing all reasonable things, he can in order to that end: And thus it is, that every Man in the State of Nature, has a Power to kill a murderer, both to deter others from doing the like injury, which no reparation can compensate, by the Example of the punishment that attends it from every body, and also to secure Men from the attempts of a Criminal, who having renounced reason, the common Rule and Measure God hath given to Mankind,

Mankind, hath by the unjuſt violence and ſlaughter, he hath committed upon one, declared War againſt all Mankind, and therefore may be deſtroyed as a *Lion* or a *Tiger*, one of thoſe wild Savage Beaſts, with whom Men can have no Society nor Security: And upon this is grounded that great Law of Nature, *who ſo ſheddeth Mans Blood, by Man ſhall his Blood be ſhed.* And *Cain* was ſo fully convinced, that every one had a Right to deſtroy ſuch a Criminal, that after the Murther of his Brother, he cries out, *every one that findeth me, ſhall ſlay me*, ſo plain was it writ in the Hearts of all Mankind.

12. By the ſame reaſon, may a Man in the State of Nature puniſh the leſſer breaches of that Law; It will perhaps be demanded with death? I anſwer each tranſgreſſion, may be puniſhed to that Degree, and with ſo much Severity as will ſuffice to make it an ill bargain to the Offender, give him Cauſe to repent, and terrifie others from doing the like: Every Offence that can be committed in the State of Nature, may in the State of

Nature, be alſo puniſhed, equally, and as far forth, as it may, in a Common-wealth; for though it would be beſides my preſent purpoſe, to enter here into the particulars of the Law of Nature, or its meaſures of puniſhment; yet, it is certain there is ſuch a Law and that too, as intelligible and plain to a rational Creature, and a Studier of that Law, as the poſitive Laws of Common-wealths, nay poſſibly plainer; As much as reaſon is eaſier to be underſtood, then the Phanſies and intricate Contrivances of Men, following contrary and hidden intereſts put into Words; For truly, ſo are a great part of the municipal Laws of Countries, which are only ſo far Right, as they are founded on the Law of Nature, by which they are to be regulated and interpreted.

13. To this ſtrange Doctrine, *viz.* That in the State of Nature, every one has the Executive Power of the Law of Nature, I doubt not but it will be objected; That it is unreaſonable for Men to be Judges in their own Caſes, that ſelf love will make Men partial to themſelves and their Friends.

And

And on the other ſide ill Nature, Paſſion and Revenge will carry them too far in puniſhing others. And hence nothing but confuſion and diſorder will follow, and that therefore God hath certainly appointed Government to reſtrain the partiality and violence of Men, I eaſily Grant, that Civil Government is the proper Remedy for the Inconveniences of the State of Nature, which muſt certainly be Great, where Men may be Judges in their own Caſe, ſince 'tis eaſy to be imagined, that he who was ſo unjuſt as to do his Brother an Injury, will ſcarce be ſo juſt as to condemn himſelf for it: But I ſhall deſire thoſe who make this Objection, to remember that Abſolute Monarchs are but Men, and if Government is to be the Remedy of thoſe Evils, which neceſſarily follow from Mens being Judges in their own Caſes, and the State of Nature is therefore not to be endured, I deſire to know what kind of Government that is, and how much better it is then the State of Nature, where one Man commanding a multitude, has the Liberty to be Judge in his own Caſe, and may do to all his Subjects whatever he pleaſes,

without the leaſt queſtion or controle of thoſe, who Execute his Pleaſure? And in whatſoever he doth, whether lead by reaſon, miſtake or paſſion, muſt be ſubmitted to? Which Men in the State of Nature are not bound to do one to another. And if he that Judges, Judges amiſs in his own, or any other Caſe, he is anſwerable for it, to the reſt of Mankind.

14. 'Tis often asked as a mighty Objection, where are, or ever were, there any Men in ſuch a State of Nature? To which it may ſuffice as an anſwer at preſent; That ſince all Princes and Rulers of *Independant* Governments all through the World, are in a State of Nature, 'tis plain the World never was, nor never will be, without numbers of Men in that State, I have named all Governors of *Independent* Communities whether they are, or are not, in League with others; For 'tis not every compact, that puts an end to the State of Nature between Men, but only this one of agreeing together mutually to enter into one Community, and make one body Politic, other promiſes and compacts, Men may

may make one with another, and yet ſtill be in the State of Nature. The promiſes and bargains for Truck, *&c.* Between the two Men, in *Soldania*, in or between, a *Swiſs* and an *Indian*, in the Woods of *America* are binding to them, though they are perfectly in a State of Nature, in reference to one another for Truth, and keeping of Faith belongs to Men, as Men, and not as Members of Society.

15. To thoſe that ſay, there were never any Men in the State of Nature, I will not only oppoſe the Authority of the Judicious *Hooker*, *Eccl. Pol. Li.* 1 Sect. 10. where he ſays; *The Laws which have been hitherto mentioned*, i. e. the Laws of Nature, *do bind Men Abſolutely, even as they are Men, although they have never any ſettled fellowſhip, never any Solemn Agreement amongſt themſelves what to do or not to do, but for as much as we are not by our ſelves ſufficient to furniſh our ſelves with competent ſtore of things, needful for ſuch a Life, as our Nature doth deſire; a Life, fit for the dignity of Man, therefore to ſupply thoſe defects and imperfections which are in us, as living ſingle and ſolely by our ſelves, we are naturally*

naturally induced to ſeek Communion and Fellowſhip with others, this was the Cauſe of Mens uniting themſelves, at firſt in Politic Societies. But I Moreover affirm, that all Men are naturally in that State, and remain ſo till by their own conſents, they make themſelves Members of ſome Politic Society, and I doubt not in the Sequel of this Diſcourſe, to make it very clear.

CHAP.

CHAP. III.

Of the State of War.

16. THE State of War is a State of Enmity and Deſtruction; And therefore declaring by Word or Action, not a paſſionate and haſty, but ſedate ſetled Deſign, upon another Mans Life, puts him in a State of War with him againſt whom he has declared ſuch an Intention, and ſo has expoſed his Life to the others Power to be taken away by him, or any one that joyns with him in his Defence, and eſpouſes his Quarrel, it being reaſonable and juſt I ſhould have a Right to deſtroy that which threatens me with Deſtruction; For by the Fun-

Fundamental Law of Nature, Man being to be preſerved, as much as poſſible, when all cannot be preſerved, the ſafety of the Innocent is to be preferred: And one may deſtroy a Man who makes War upon him, or has diſcovered an Enmity to his being for the ſame Reaſon, that he may kill a Wolf or a Lion, becauſe they are not under the ties of the Common Law of Reaſon, have no other Rule, but that of Force and Violence, and ſo may be treated as a Beaſt of Prey, thoſe dangerous and noxious Creatures that will be ſure to deſtroy him, whenever he falls into their Power.

17. And hence it is that he who attempts to get an other Man into his Abſolute Power, does thereby put himſelf into a State of War with him; It being to be underſtood as a Declaration of a Deſign

Deſign upon his Life. For I have reaſon to conclude, that he who would get me into his Power without my Conſent, would uſe me as he pleaſed when he had got me there, and deſtroy me too when he had a phanſy to it; for no body can deſire to have me in his Abſolute Power, unleſs it be to compel me by force to that which is againſt the Right of my Freedom, *i. e.* make me a Slave. To be free from ſuch force, is the only ſecurity of my Preſervation, and reaſon bids me look on him, as an Enemy to my Preſervation, who would take away that Freedom, which is the Fence to it, ſo that he who makes an attempt to enſlave me, thereby puts himſelf into a State of War with me. He that in the State of Nature, would take away the Freedom that belongs to any one in that State,

State, must necessarily be supposed to have a design to take away every thing else, that Freedom being the Foundation of all the rest: As he that in the State of Society, would take away the Freedom belonging to those of that Society or Common-wealth, must be supposed to design to take away from them every thing else, and so be looked on as in a State of War.

18. This makes it Lawful for a Man to kill a Theif, who has not in the least hurt him, nor declared any design upon his Life, any farther then by the use of Force, so to get him in his Power, as to take away his Money, or what he pleases from him, because using force, where he has no Right to get me into his Power, let his pretence be what it will, I have no reason to suppose, that he, who would take away my Liberty, would not when he had me in his Power, take away every thing else. And therefore it is Lawful for me to treat him, as one who has put himself into a State of War with me, *i. e.* kill him if I can; For to that hazard does he justly expose himself, whoever introduces a State of War, and is aggresser in it.

19. And

19. And here we have the plain difference between the State of Nature, and the State of War, which however ſome Men have confounded, are as far diſtant as a State of Peace, Goodwill, mutual Aſſiſtance, and Preſervation; and a State of Enmity, Malice, Violence and Mutual Deſtruction are one from another. Men living together according to reaſon without a common Superior on Earth, with Authority to judge between them, is properly the State of Nature. But force, or a declared deſign of force upon the Perſon of another, where there is no common Superior on Earth to appeal to for relief, is the State of War: And 'tis the want of ſuch an appeal gives a Man the Right of War even againſt an aggreſſor, though he be in Society and a fellow Subject. Thus a Theif whom I cannot harm, but by appeal to the Law, for having ſtolen all that I am worth, I may kill when he ſets on me to rob me, but of my Horſe or Coat, becauſe the Law which was made for my Preſervation, where it cannot interpoſe to ſecure my Life from preſent force, which if loſt, is capeable of no reparation, permits me my own Defence, and the Right of War, a liberty to kill the aggreſſor, becauſe the aggreſſor allows not

not time to appeal to our common Judge, nor the decision of the Law, for remedy in a Case where the mischief may be irreparable. Want of a common Judge with Authority, puts all Men in a State of Nature; Force without Right, upon a Mans Person, makes a State of War both where there is, and is not, a common Judge.

20. But when the actual force is over, the State of War ceases between those that are in Society, and are equally on both sides Subject to the Judge: And therefore in such controversies, where the question is put, *who shall be Judge?* It cannot be meant, who shall decide the controversie: every one knows what *Jephtha* here tells us, that *the Lord the Judge*, shall Judge. Where there is no Judge on Earth, the Appeal lies to God in Heaven. That question then cannot mean who shall Judge, whether another hath put himself in a State of War with me, and whether I may as *Jephtha* did appeal to Heaven in it? Of that I my self can only be Judge in my own Conscience, as I will answer it at the great day, to the Supream Judge of all Men.

CHAP.

CHAP. IV.

Of SLAVERY.

22. THE natural Liberty of Man is to be free from any Superiour Power on Earth, and not to be under the Will or Legiſlative Authority of Man, but to have only the Law of Nature for his Rule. The Liberty of Man, in Society, is to be under no other Legiſlative Power, but that eſtabliſhed, by conſent, in the Commonwealth; nor under the Dominion of any Will, or Reſtraint of any Law, but what that Legiſlative ſhall enact, according to the Truſt put in it. Freedom then is not what Sr. *R. F.* tells us, *O. A.* 55. *A Liberty for every one to do what he liſts, to live as he pleaſes, and not to be tyed by any Laws*: but Freedom of Men, under Government, is, to have a ſtanding Rule to live by, common to every one of that Society, and made by the Legiſlative Power erected in it. A Liberty to follow my own Will in all things, where that Rule preſcribes not; not to be ſubject to the inconſtant, uncertain, unknown, Arbitrary Will of another Man. As Freedom of Nature is to be under no other reſtraint but the Law of Nature.

23. This Freedom from Abſolute, Arbitrary Power, is ſo neceſſary to, and cloſely joyned with a Man's Preſervation, that he cannot part with it, but by what forfeits his Preſervation and Life together. For a Man, not having the Power of his own Life, cannot, by Compact, or his own Conſent, enſlave himſelf to any one, nor put himſelf under the Abſolute, Arbitrary Power of another, to take away his Life, when he pleaſes. No body can give more Power than he has himſelf; and he that cannot take away his own Life, cannot give another Power over it. Indeed having, by his fault, forfeited his own Life, by ſome Act that deſerves Death; he, to whom he has forfeited it, may (when he has him in his Power) delay to take it, and make uſe of him to his own ſervice; and he does him no injury by it. For, when-ever he finds the hardſhip of his Slavery out-weigh the value of his Life, 'tis in his Power, by reſiſting the Will of his Maſter, to draw on himſelf the Death he deſires.

24. This is the perfect condition of Slavery, which is nothing elſe, but the State of War continued, between a lawful Conquerour, and a Captive. For, if once Compact enter between them, and make an agreement for a limited Power on the one ſide,

ſide, and Obedience, on the other; the State of War and Slavery ceaſes, as long as the Compact endures. For, as has been ſaid, no Man can, by agreement, paſs over to another that which he hath not in himſelf, a Power over his own Life.

I confeſs, we find among the *Jews*, as well as other Nations, that Men did ſell themſelves; but, 'tis plain, this was only to Drudgery, not to Slavery. For, it is evident, the Perſon ſold was not under an Abſolute, Arbitrary, Deſpotical Power. For the Maſter could not have Power to kill him, at any time, whom, at a certain time, he was obliged to let go free out of his ſervice: And the Maſter of ſuch a Servant was ſo far from having an Arbitrary Power over his Life, that he could not, at pleaſure, ſo much as maim him, but the Loſs of an Eye, or Tooth, ſet him free, *Exod.* XXI.

CHAP. V.

Of PROPERTY.

25. WHether we conſider natural Reaſon, which tells us, that Men, being once born, have a right to

their Preſervation, and conſequently to Meat and Drink, and ſuch other things, as Nature affords for their Subſiſtence: Or *Revelation*, which gives us an account of thoſe Grants God made of the World to *Adam*, and to *Noah*, and his Sons; 'tis very clear, that God, as K. *David* ſays, *Pſal.* CXV. xvj. *has given the earth to the Children of men*, given it to Mankind in common. But this being ſuppoſed, it ſeems to ſome a very great difficulty how any one ſhould ever come to have a Property in any thing; I will not content my ſelf to anſwer, That if it be difficult to make out *Property*, upon a ſuppoſition, That God gave the World to *Adam* and his Poſterity in common; it is impoſſible that any Man, but one univerſal Monarch, ſhould have any *Property* upon a ſuppoſition, That God gave the World to *Adam*, and his Heirs in Succeſſion, excluſive of all the reſt of his Poſterity. But I ſhall endeavour to ſhew, how Men might come to have a Property in ſeveral parts of that which God gave to Mankind in common, and that without any expreſs Compact of all the Commoners.

26. God, who hath given the World to Men in common, hath alſo given them reaſon to make uſe of it to the beſt advantage of life, and convenience. The Earth, and all

all that is therein, is given to Men for the Support and Comfort of their being. And though all the Fruits it naturally produces, and Beaſts it feeds, belong to Mankind in common, as they are produced by the ſpontaneous hand of Nature; and no body has originally a private Dominion, excluſive of the reſt of Mankind, in any of them, as they are thus in their natural ſtate: yet being given for the uſe of Men, there muſt, of neceſſity, be a means to appropriate them ſome way or other before they can be of any uſe, or at all beneficial to any particular Men. The Fruit, or Veniſon which nouriſhes the wild *Indian*, who knows no Incloſure, and is ſtill a Tenant in common, muſt be his, and ſo his, *i.e.* a part of him, that another can no longer have any right to it, before it can do him any good for the ſupport of his Life.

27. Though the Earth, and all inferior Creatures be common to all Men, yet every Man has a *Property* in his own *Perſon*. This no Body has any Right to but himſelf. The *Labour* of his Body, and the *Work* of his Hands, we may ſay, are properly his. Whatſoever then he removes out of the State that Nature hath provided, and left it in, he hath mixed his Labour with it, and joined to it ſome-

thing that is his own, and thereby makes it his Property. It being by him removed from the common ſtate Nature placed it in, it hath by this labour ſomething annexed to it, that excludes the common right of other Men. For this *labour* being the unqueſtionable Property of the Labourer, no Man but he can have a right to what that is once joined to, at leaſt where there is enough, and as good left in common for others.

28. He that is nouriſhed by the Acorns he pickt up under an Oak, or the Apples he gathered from the Trees in the Wood; has certainly appropriated them to himſelf. No Body can deny but the nouriſhment is his. I ask then, when did they begin to be his? When he digeſted? or when he eat? Or when he boiled? Or when he brought them home? Or when he pickt them up? And 'tis plain, if the firſt gathering made them not his, nothing elſe could. That labour put a diſtinction between them and common. That added ſomething to them more than Nature, the common Mother of all, had done; and ſo they became his private right. And will any one ſay he had no right to thoſe Acorns or Apples he thus appropriated, becauſe he had not the conſent of all Mankind to make them his? Was it a Robbery thus

to

to assume to himself what belonged to all in Common? If such a consent as that was necessary, Man had starved, notwithstanding the Plenty God had given him. We see in Commons, which remain so by Compact, that 'tis the taking any part of what is common, and removing it out of the state Nature leaves it in, which begins the Property; without which the Common is of no use. And the taking of this or that part, does not depend on the express consent of all the Commoners. Thus the Grass my Horse has bit; the Turfs my Servant has cut; and the Ore I have dig'd in any place where I have a right to them in common with others, become my Property, without the assignation or consent of any body. The labour that was mine, removing them out of that common state they were in, hath fixed my Property in them.

29. By making an explicit consent of every Commoner, necessary to any ones appropriating to himself any part of what is given in common. Children or Servants could not cut the Meat which their Father or Master had provided for them in common, without assigning to every one his peculiar part. Though the Water running in the Fountain be every ones; yet who can doubt but that in the Pitcher

is his only who drew it out? His labour hath taken it out of the hands of Nature where it was common, and belong'd equally to all her Children, and hath thereby appropriated it to himſelf.

30. Thus this Law of reaſon makes the Deer, that *Indian*'s who hath killed it; 'tis allowed to be his goods who hath beſtowed his labour upon it, though before, it was the common right of every one. And amongſt thoſe who are counted the Civiliz'd part of Mankind, who have made and multiplied poſitive Laws to determine Property, this original Law of Nature for the beginning of Property, in what was before common, ſtill takes place; and by vertue thereof, what Fiſh any one catches in the Ocean, that great and ſtill remaining Common of Mankind; or what Ambergrieſe any one takes up here, is by the labour that removes it out of that common ſtate Nature left it in, made his Property who takes that pains about it. And even amongſt us the Hare that any one is Hunting, is thought his who purſues her during the Chaſe. For being a Beaſt that is ſtill looked upon as common, and no Man's private Poſſeſſion; who-ever has imploy'd ſo much labour about any of that kind, as to find and purſue her, has thereby removed her from the ſtate of Nature wherein

wherein ſhe was common, and hath began a Property.

31. It will perhaps be objected to this, That if gathering the Acorns, or other Fruits of the Earth, *&c.* makes a right to them, then any one may ingroſs as much as he will. To which I Anſwer, Not ſo. The ſame Law of Nature that does by this means give us Property, does alſo bound that Property too. *God has given us all things richly*, 1 Tim. vi. 12. Is the Voice of Reaſon confirmed by Inſpiration. But how far has he given it us, *to enjoy?* As much as any one can make uſe of to any advantage of life before it ſpoils; ſo much he may by his labour fix a Property in. Whatever is beyond this, is more than his ſhare, and belongs to others. Nothing was made by God for Man to ſpoil or deſtroy. And thus conſidering the plenty of natural Proviſions there was a long time in the World, and the few ſpenders, and to how ſmall a part of that proviſion the induſtry of one Man could extend it ſelf, and ingroſs it to the prejudice of others; eſpecially keeping within the bounds ſet by reaſon of what might ſerve for his uſe; there could be then little room for quarrels or contentions about Property ſo eſtabliſh'd.

32. But

32. But the chief matter of Property being now not the Fruits of the Earth, and the Beaſts that ſubſiſt on it, but the Earth it ſelf; as that which takes in and carries with it all the reſt: I think it is plain, that Property in that too is acquired as the former. As much Land as a Man Tills, Plants, Improves, Cultivates, and can uſe the Product of; ſo much is his Property. He by his labour does as it were incloſe it from the Common. Nor will it invalidate his right to ſay, Every body elſe has an equal title to it; and therefore he cannot appropriate, he cannot incloſe, without the conſent of all his Fellow-Commoners, all Mankind. God when he gave the World in common to all Mankind, commanded Man alſo to labour, and the penury of his Condition required it of him. God and his Reaſon commanded him to ſubdue the Earth, *i. e.* improve it for the benefit of Life, and therein lay out ſomething upon it that was his own, his labour. He that in obedience to this Command of God, ſubdued, tilled and ſowed any part of it, thereby annexed to it ſomething that was his Property, which another had no Title to, nor could without injury take from him.

33. Nor was this appropriation of any parcel of Land, by improving it, any prejudice

judice to any other Man, ſince there was ſtill enough, and as good left; and more than the yet unprovided could uſe. So that in effect, there was never the leſs left for others becauſe of his incloſure for himſelf. For he that leaves as much as another can make uſe of, does as good as take nothing at all. No Body could think himſelf injur'd by the drinking of another Man, though he took a good draught, who had a whole River of the ſame Water left him to quench his thirſt. And the Caſe of Land and Water, where there is enough of both, is perfectly the ſame.

34. God gave the World to Men in Common, but ſince he gave it them for their benefit, and the greateſt Conveniencies of Life they were capable to draw from it; it cannot be ſuppoſed he meant it ſhould always remain common and uncultivated. He gave it to the uſe of the induſtrious and rational, (and labour was to be his title to it;) not to the phancy or covetouſneſs of the quarrelſome and contentious. He that had as good left for his improvement, as was already taken up, needed not complain, ought not to meddle with what was already improved by another's labour: if he did, 'tis plain he deſired the benefit of anothers pains which he had no right to, and not the ground

which

which God had given him in common with others to labour on, and whereof there was as good left as that already poſſeſſed; and more than he knew what to do with, or his induſtry could reach to.

35. 'Tis true, in Land that is common in *England*, or any other Country, where there is plenty of people under Government, who have Money and commerce, no one can incloſe or appropriate any part, without the conſent of all his Fellow-Commoners: Becauſe this is left common by Compact, *i.e.* by the Law of the Land, which is not to be violated. And though it be Common, in reſpect of ſome Men, it is not ſo to all Mankind; but is the joint propriety of this Country, or this Pariſh. Beſides, the remainder, after ſuch incloſure, would not be as good to the reſt of the Commoners as the whole was, when they could all make uſe of the whole; whereas in the beginning and firſt peopling of the great Common of the World, it was quite otherwiſe. The Law Man was under was rather for appropriating. God Commanded, and his wants forced him to labour. That was his Property which could not be taken from him whereever he had fixed it. And hence ſubduing or cultivating the Earth, and having Dominion,

minion, we ſee, are join'd together. The one gave Title to the other. So that God, by commanding to ſubdue, gave Authority ſo far to appropriate. And the Condition of humane Life, which requires labour and materials to work on, neceſſarily introduce private Poſſeſſions.

36. The meaſure of Property, Nature well ſet, by the Extent of Mens Labour, and the Conveniency of Life: no Man's Labour could ſubdue, or appropriate all; nor could his Enjoyment conſume more than a ſmall part; ſo that it was impoſſible for any Man, this way, to intrench upon the Right of another, or acquire, to himſelf, a Property, to the Prejudice of his Neighbour, who would ſtill have room, for as good, and as large a Poſſeſſion (after the other had taken out his) as before it was appropriated; which meaſure did confine every Man's Poſſeſſion, to a very moderate Proportion, and ſuch as he might appropriate to himſelf, without Injury to any Body, in the firſt Ages of the World, when Men were more in danger to be loſt, by wandering from their Company, in the then vaſt Wilderneſs of the Earth, than to be ſtraitned for want of room to plant in. And the ſame meaſure may be allowed ſtill, without prejudice to any Body, as full

full as the World ſeems. For ſuppoſing a Man, or Family, in the ſtate they were at firſt, peopling of the World by the Children of *Adam*, or *Noah*; let him plant in ſome in-land, vacant places of *America*, we ſhall find that the Poſſeſſions, he could make himſelf, upon the meaſures we have given, would not be very large, nor, even to this day, prejudice the reſt of Mankind, or give them reaſon to complain, or think themſelves injured by this Man's Incroachment, though the Race of Men have now ſpread themſelves to all the corners of the World, and do infinitely exceed the ſmall number was at the beginning. Nay the extent of Ground is of ſo little value, without Labour, that I have heard it affirmed, that, in *Spain* it ſelf, a Man may be permitted to plough, ſow, and reap, without being diſturbed, upon Land he has no other Title to, but only his making uſe of it. But, on the contrary, the Inhabitants think themſelvs beholden to him, who, by his Induſtry, on neglected, and conſequently waſte Land, has increaſed the ſtock of Corn, which they wanted. But be this as it will, which I lay no ſtreſs on; this I dare boldly affirm, That the ſame Rule of Propriety, (*viz.*) that every Man ſhould have as much as he could make uſe of, would hold

hold ſtill in the World, without ſtraitning any body, ſince there is Land enough in the World, to ſuffice double the Inhabitants, had not the Invention of Money, and the tacit Agreement of Men, to put a value on it, introduced (by Conſent) larger Poſſeſſions, and a Right to them; which, how it has done, I ſhall, by and by, ſhew more at large.

37. This is certain, That in the beginning, before the deſire of having more than Men needed, had altered the intrinſick value of things, which depends only on their uſefulneſs to the Life of Man; or had agreed, that a little piece of yellow Metal, which would keep without waſting or decay, ſhould be worth a great piece of Fleſh, or a whole heap of Corn; though Men had a Right to appropriate, by their Labour, each one to himſelf, as much of the things of Nature, as he could uſe: yet this could not be much, nor to the Prejudice of others, where the ſame plenty was ſtill left, to thoſe who would uſe the ſame Induſtry.

Before the Appropriation of Land, he who gathered as much of the wild Fruit, killed, caught, or tamed as many of the Beaſts as he could; he that ſo employed his Pains about any of the ſpontaneous Products of Nature, as any way to alter them,

them, from the ſtate Nature put them in, by placing any of his Labour on them, did thereby acquire a Propriety in them: but if they periſhed, in his Poſſeſſion, without their due uſe; if the Fruits rotted, or the Veniſon putrified, before he could ſpend it, he offended againſt the common Law of Nature, and was liable to be puniſhed; he invaded his Neighbour's ſhare, for he had no Right, farther than his Uſe called for any of them, and they might ſerve to afford him Conveniencies of Life.

38. The ſame meaſures governed the Poſſeſſion of Land too: Whatſoever he tilled and reaped, laid up and made uſe of, before it ſpoiled, that was his peculiar Right; whatſoever he encloſed, and could feed, and make uſe of, the Cattle and Product was alſo his. But if either the Graſs of his Incloſure rotted on the Ground, or the Fruit of his planting periſhed without gathering, and laying up, this part of the Earth, notwithſtanding his Incloſure, was ſtill to be looked on as Waſte, and might be the Poſſeſſion of any other. Thus, at the beginning, *Cain* might take as much Ground as he could till, and make it his own Land, and yet leave enough to *Abel*'s Sheep to feed on; a few Acres would ſerve for both their Poſſeſſions. But as Families

Families increaſed, and induſtry inlarged their ſtocks, their Poſſeſſions inlarged with the need of them; but yet it was commonly without any fixed property in the ground they made uſe of, till they incorporated, ſetled themſelves together, and built Cities, and then, by conſent, they came in time, to ſet out the bounds of their diſtinct Territories, and agree on limits between them and their Neighbours; and by Laws within themſelves, ſetled the Properties of thoſe of the ſame Society. For we ſee, that in that part of the World which was firſt inhabited, and therefore like to be beſt peopled, even as low down as *Abraham*'s time, they wandered with their Flocks, and their Herds, which was their ſubſtance, freely up and down; and this *Abraham* did, in a Country where he was a ſtranger. Whence it is plain, that, at leaſt, a great part of the Land lay in Common. That the Inhabitants valued it not, nor claimed Property in any more than they made uſe of. But when there was not room enough in the ſame place, for their Herds to feed together, they, by conſent, as *Abraham* and *Lot* did, *Gen.* xiii. 5. ſeparated and inlarged their Paſture, where it beſt liked

them. And for the same Reason *Esau* went from his Father, and his Brother, and planted in *Mount Seir*, Gen. xxxvi. 6.

39. And thus, without supposing any private Dominion, and property in *Adam*, over all the World, exclusive of all other Men, which can no way be proved, nor any ones Property be made out from it; but supposing the World given as it was to the Children of Men in common, we see how labour could make Men distinct titles to several parcels of it, for their private uses; wherein there could be no doubt of right, no room for quarrel.

40. Nor is it so strange as perhaps before consideration it may appear, that the Property of labour should be able to overballance the Community of Land. For 'tis labour indeed that puts the difference of value on every thing; and let any one consider, what the difference is between an Acre of Land planted with Tabaco, or Sugar, sown with Wheat or Barley; and an Acre of the same Land lying in common, without any Husbandry upon it; and he will find, that the improvement

ment of labour makes the far greater part of the value. I think it will be but a very modeſt Computation to ſay, that of the Products of the Earth uſeful to the Life of Man $\frac{9}{10}$ are the effects of labour: nay, if we will rightly eſtimate things as they come to our uſe, and caſt up the ſeveral expences about them, what in them is purely owing to Nature, and what to labour, we ſhall find, that in moſt of them $\frac{99}{100}$ are wholly to be put on the account of labour.

41. There cannot be a clearer demonſtration of any thing, than ſeveral Nations of the *Americans* are of this, who are rich in Land, and poor in all the Comforts of Life; whom Nature having furniſhed as liberally as any other people, with the materials of Plenty, *i. e.* a fruitful Soil, apt to produce in abundance, what might ſerve for food, rayment, and delight; yet for want of improving it by labour, have not $\frac{1}{10}$ part of the Conveniencies we enjoy. And a King of a large and fruitful Territory there, feeds, lodges, and is clad worſe than a day Labourer in *England*.

42. To make this a little clearer, let us but trace ſome of the ordinary proviſions of Life, through their ſeveral progreſſes, before they come to our uſe, and ſee how much they receive of their value from human induſtry. 'Bread, Wine and Cloth are things of daily uſe and great plenty, yet notwithſtanding Acorns, Water, and Leaves, or Skins, muſt be our Bread, Drink and Cloathing, did not labour furniſh us with theſe more uſeful Commodities. For whatever Bread is more worth than Acorns, Wine than Water, and Cloth or Silk than Leaves, Skins or Moſs, that is wholly owing to labour and induſtry. The one of theſe being the food and rayment which unaſſiſted Nature furniſhes us with; the other Proviſions which our induſtry and pains prepare for us, which how much they exceed the other in value, when any one hath computed, he will then ſee how much labour makes the far greateſt part of the value of things we enjoy in this World: and the ground which produces the materials, is ſcarce to be reckon'd in as any, or at moſt, but a very ſmall part of it: ſo little, that even amongſt us, Land

that

that is left wholly to Nature, that hath no improvement of Paſturage, Tillage, or Planting, is called, as indeed it is, waſt; and we ſhall find the benefit of it amount to little more than nothing.

43. An Acre of Land that bears here Twenty Buſhels of Wheat, and another in *America*, which, with the ſame Husbandry, would do the like, are, without doubt, of the ſame natural, intrinſick Value. But yet the Benefit Mankind receives from one in a Year is worth 5*l.* and the other poſſibly not worth a Penny; if all the Profit an *Indian* received from it were to be valued, and ſold here; at leaſt, I may truly ſay, not [illegible]. 'Tis Labour then which puts the greateſt part of Value upon Land, without which it would ſcarcely be worth any thing; 'tis to that we owe the greateſt part of all its uſeful Products; for all that the Straw, Bran, Bread, of that Acre of Wheat, is more worth than the Product of an Acre of as good Land, which lies waſte, is all the Effect of Labour. For 'tis not barely the Plough-man's Pains, the Reaper's and Threſher's Toil, and the Baker's

Sweat, is to be counted into the Bread we eat; the Labour of thoſe who broke the Oxen, who digged and wrought the Iron and Stones, who felled and framed the Timber imployed about the Plough, Mill, Oven, or any other Utenſils, which are a vaſt Number, requiſite to this Corn, from its ſowing to its being made Bread, muſt all be charged on the account of Labour, and received as an effect of that: Nature and the Earth furniſhed only the almoſt worthleſs Materials, as in themſelves. 'Twould be a ſtrange Catalogue of things, that Induſtry provided and made uſe of, about every Loaf of Bread before it came to our uſe, if we could trace them; Iron, Wood, Leather, Bark, Timber, Stone, Bricks, Coals, Lime, Cloth, Dying-Drugs, Pitch, Tar, Maſts, Ropes, and all the Materials made uſe of in the Ship, that brought any of the Commodities, made uſe of by any of the Work-men, to any part of the Work, all which, 'twould be almoſt impoſſible, at leaſt too long, to reckon up.

44. From all which it is evident, that tho' the things of Nature are given in common:

common: Man (by being Maſter of himſelf, and Proprietor of his own Perſon, and the Actions or Labour of it) had ſtill in himſelf the great Foundation of Property: and that which made up the great part of what he applyed to the Support or Comfort of his being, when Invention and Arts had improved the conveniencies of Life, was perfectly his own, and did not belong in common to others.

45. Thus Labour, in the beginning, gave a Right of Property, where-ever any one was pleaſed to imploy it, upon what was common, which remained, a long while, the far greater part, and is yet more than Mankind makes uſe of. Men, at firſt, for the moſt part, contented themſelves with what un-aſſiſted Nature offered to their Neceſſities; and though afterwards, in ſome parts of the World, where the Increaſe of People and Stock, with the Uſe of Money, had made Land ſcarce, and ſo of ſome Value, the ſeveral Communities ſetled the Bounds of their diſtinct Territories, and, by Laws, within themſelves, regulated the Properties of the

private Men of their Society, and ſo, by Compact and Agreement, ſetled the Property which Labour and Induſtry began. And the Leagues, that have been made between ſeveral States and Kingdoms, either expreſly or tacitly diſ-owning all Claim and Right to the Land in the others Poſſeſſion, have, by common Conſent, given up their Pretences to their natural common Right, which originally they had to thoſe Countries: and ſo have, by poſitive Agreement, ſettled a Property amongſt themſelves, in diſtinct Parts of the World; yet there are ſtill great Tracts of Ground to be found, which the Inhabitants thereof, not having joyned with the reſt of Mankind, in the conſent of the Uſe of their common Money, lye waſte, and are more than the People, who dwell on it, do, or can make uſe of, and ſo ſtill lye in common. Though this can ſcarce happen amongſt that part of Mankind that have conſented to the Uſe of Money.

46. The greateſt part of things really uſeful to the Life of Man, and ſuch as the neceſſity of ſubſiſting made the firſt Com-

Commoners of the World look after, as it doth the *Americans* now, are generally things of ſhort duration, ſuch as, if they are not conſumed by uſe, will decay and periſh of themſelves. Gold, Silver, and Diamonds, are things, that Phancy, or Agreement hath put the Value on, more than real Uſe, and the neceſſary Support of Life: Now of thoſe good things which Nature hath provided in common, every one hath a Right (as hath been ſaid) to as much as he could uſe, and had a Property in all he could effect with his Labour: all that his Induſtry could extend to, to alter from the State Nature had put it in, was his. He that gathered a Hundred Buſhels of Acorns or Apples, had thereby a Property in them; they were his Goods, as ſoon as gathered. He was only to look that he uſed them before they ſpoiled; elſe he took more than his ſhare, and robb'd others. And indeed it was a fooliſh thing, as well as diſhoneſt, to hoard up more than he could make uſe of. If he gave away a part to any body elſe, ſo that it periſhed not uſeleſly in his Poſſeſſion, theſe he alſo made uſe of. And if he alſo bartered away Plumbs, that would have rotted in a Week, for

for Nuts that would laſt good for his eating a whole Year, he did no injury; he waſted not the common Stock; deſtroyed no part of the portion of Goods that belonged to others, ſo long as nothing periſhed uſeleſly in his hands. Again, If he would give his Nuts for a piece of Metal, pleaſed with its colour; or exchange his Sheep for Shells, or Wooll for a ſparkling Pebble or a Diamond, and keep thoſe by him all his Life, he invaded not the Right of others; he might heap up as much of theſe durable things as he pleaſed: the exceeding of the bounds of his juſt Property not lying in the largeneſs of his Poſſeſſion, but the periſhing of any thing uſeleſly in it.

47. And thus came in the uſe of Money, ſome laſting thing that Men might keep without ſpoiling, and that, by mutual conſent, Men would take in exchange for the truly uſeful, but periſhable Supports of Life.

48. And as different degrees of Induſtry were apt to give Men Poſſeſſions in different

different Proportions, ſo this Invention of Money gave them the opportunity to continue and enlarge them. For ſuppoſing an Iſland, ſeparate from all poſſible Commerce with the reſt of the World, wherein there were but a Hundred Families, but there were Sheep, Horſes and Cowes, with other uſeful Animals, wholeſome Fruits, and Land enough for Corn, for a Hundred thouſand times as many, but nothing in the Iſland, either becauſe of its Commonneſs, or periſhableneſs, fit to ſupply the Place of Money: What reaſon could any one have there to enlarge his Poſſeſſions, beyond the uſe of his Family, and a plentiful ſupply to its Conſumption, either in what their own Induſtry produced, or they could barter for like periſhable, uſeful Commodities, with others? Where there is not ſomething both laſting and ſcarce, and ſo valuable to be hoarded up, there Men will not be apt to enlarge their Poſſeſſions of Land, were it never ſo rich, never ſo free for them to take. For I ask, What would a Man value Ten thouſand, or an Hundred thouſand Acres of excellent Land, ready cultivated, and well ſtocked too with Cattle, in the middle

middle of the in-land Parts of *America*, where he had no hopes of Commerce with other parts of the World, to draw Money to him, by the Sale of the Product. It would not be worth the inclosing, and we ſhould ſee him give up again to the wild Common of Nature what-ever was more than would ſupply the Conveniencies of Life, to be had there, for him and his Family.

49. Thus in the beginning all the World was *America*, and more ſo than that is now; for no ſuch thing as Money was any where known. Find out ſomething that hath the Uſe and Value of Money amongſt his Neighbours, you ſhall ſee the ſame Man will begin preſently to enlarge his Poſſeſſions.

50. But ſince Gold and Silver, being little uſeful to the Life of Man, in proportion to Food, Rayment, and Carriage, has its value only from the conſent of Men, whereof labour yet makes in great part the meaſure, It is plain, that the conſent of Men have agreed to a diſ-

propor-

proportionate and unequal Poſſeſſion of the Earth; I mean out of the bounds of Society and Compact: for in Governments the Laws regulate it, they having by conſent, found out and agreed in a way how a Man may rightfully, and without injury, poſſeſs more than he himſelf can make uſe of by receiving Gold and Silver, which may continue long in a Mans Poſſeſſion, without decaying for the overplus, and agreeing thoſe Metals ſhould have a value.

51. And thus, I think, it is very eaſy to conceive, without any difficulty, how labour could at firſt begin a title of Property in the common things of nature, and how the ſpending it upon our uſes bounded it. So that there could then be no reaſon of quarrelling about title, nor any doubt about the largeneſs of Poſſeſſion it gave. Right and Conveniency went together. For as a Man had a right to all he could imploy his labour upon, ſo he had no temptation to labour for more than he could make uſe of. This left no room

for

for Controverſie about the title, nor for incroachment on the right of others; what Portion a Man carved to himſelf, was eaſily ſeen; and it was uſeleſs as well as diſhoneſt, to carve himſelf too much, or take more than he needed.

CHAP.

CHAP. VI.

Of Paternal Power.

52. IT may perhaps be cenſured an impertinent Criticiſm in a diſcourſe of this nature, to find fault with words and names that have obtained in the World: And yet poſſibly it may not be amiſs to offer new ones when the old are apt to lead Men into miſtakes, as this of Paternal Power probably has done, which ſeems ſo to place the Power of Parents over their Children wholly in the Father, as if the Mother had no ſhare in it; whereas if we conſult Reaſon or Revelation, we ſhall find ſhe hath an equal title; which may give one reaſon to ask, Whether this might not be more properly called Parental Power? For whatever obligation Nature and the right of Generation lays on Children; it muſt certainly bind them equal to both the concurrent Cauſes of it. And accordingly we ſee the Poſitive Law of God every where joins them together, without diſtinction, when it commands the Obedience of Children, *Honour thy Father and thy Mother*, Exod. 20. 12. *Whoſoever curſeth his Father or his Mother*, Lev. 20. 9. *Ye ſhall fear every Man his Mother and his Father*,

Father, Lev. 19. 3. *Children obey your Parents*, &c. Eph. 6. 1. is the ſtile of the Old and New Teſtament.

53. Had but this one thing been well conſider'd, without looking any deeper into the matter, it might perhaps have kept men from running into thoſe groſs miſtakes they have made about this Power of Parents, which however it might, without any great harſhneſs, bear the name of Abſolute Dominion, and Regal Authority, when under the title of *Paternal* Power, it ſeem'd appropriated to the Father; would yet have ſounded but odly, and in the very name ſhewn the abſurdity, if this ſuppoſed Abſolute Power over Children had been called Parental, and thereby diſcover'd that it belong'd to the Mother too: For it will but very ill ſerve the turn of thoſe Men who contend ſo much for the Abſolute Power and Authority of the Fatherhood, as they call it, that the Mother ſhould have any ſhare in it. And it would have but ill ſupported the Monarchy they contend for, when by the very name it appeared, that that Fundamental Authority from whence they would derive their Government of a ſingle Perſon only, was not plac'd in one, but two Perſons jointly. But to let this of names paſs.

54. Though

54. Though I have ſaid above (2.) *That all Men by Nature are equal*; I cannot be ſuppoſed to underſtand all ſorts of *Equality*: Age or Virtue may give Men a juſt Precedency: Excellency of Parts and Merit may place others above the Common Level: Birth may ſubject ſome, and Alliance or Benefits others to pay an Obſervance to thoſe, to whom Nature, Gratitude or other Reſpects may have made it due; and yet all this conſiſts with the Equality which all Men are in, in reſpect of Juriſdiction or Dominion one over another: which was the Equality I there ſpoke of, as proper to the Buſineſs in hand, being that equal Right that every Man hath to his Natural Freedom, without being ſubjected to the Will or Authority of any other Man.

55. Children, I confeſs, are not born in this full ſtate of Equality, though they are born to it. Their Parents have a ſort of Rule and Juriſdiction over them when they come into the World, and for ſome time after, but 'tis but a temporary one. The Bonds of this Subjection are like the Swadling Cloths they are wrapt up in, and ſupported by, in the weakneſs of their Infancy. Age and Reaſon as they grow up, looſen them till at length they drop quite off, and leave a Man at his own free Diſpoſal.

56. *Adam* was created a perfect Man, his Body and Mind in full poſſeſſion of their Strength and Reaſon, and ſo was capable, from the firſt Inſtance of his being, to provide for his own Support and Preſervation, and govern his Actions according to the Dictates of the Law of Reaſon God had implanted in him. From him the World is peopled with his Deſcendants, who are all born Infants, weak and helpleſs, without Knowledge or Underſtanding. But to ſupply the Defects of this imperfect State, till the improvement of Growth and Age had removed them, *Adam* and *Eve*, and after them all Parents were, by the Law of Nature, under an Obligation to preſerve, nouriſh, and educate the Children they had begotten, not as their own Workmanſhip, but the Workmanſhip of their own Maker, the Almighty, to whom they were to be accountable for them.

57. The Law that was to govern *Adam*, was the ſame that was to govern all his Poſterity, the Law of Reaſon. But his Off-ſpring having another way of entrance into the World, different from him, by a natural Birth, that produced them ignorant, and without the Uſe of Reaſon, they were not preſently under that Law: For no Body can be under a Law that is not

not promulgated to him; and this Law being promulgated or made known by Reaſon only, he that is not come to the Uſe of his Reaſon, cannot be ſaid to be under this Law: and *Adam*'s Children being not preſently as ſoon as born, under this Law of Reaſon, were not preſently free. For Law, in its true Notion, is not ſo much the Limitation as the direction of a free and intelligent Agent to his proper Intereſt, and preſcribes no farther, than is for the general Good of thoſe under that Law. Could they be happier without it, the Law, as an uſeleſs thing, would of it ſelf vaniſh; and that ill deſerves the Name of Confinement, which hedges us in only from Bogs and Precipices. So that however it may be miſtaken, the end of Law, is not to aboliſh or reſtrain, but to preſerve and enlarge Freedom. For in all the ſtates of created Beings, capable of Laws, where there is no Law there is no Freedom. For, Liberty is, to be free from Reſtraint and Violence from others, which cannot be where there is no Law, and is not, as we are told, *A Liberty for every Man to do what he liſts:* For who could be free, when every other Man's Humour might domineer over him? But a Liberty to diſpoſe and order freely as he liſts his Perſon, Actions, Poſſeſſions, and his whole Property with-

in the Allowance of thoſe Laws, under which he is, and therein not to be ſubject to the the arbitrary Will of another; but freely follow his own.

58. The Power, then, that Parents have over their Children, ariſes from that Duty which is incumbent on them, to take care of their Off-ſpring, during the imperfect ſtate of Childhood. To inform the Mind, and govern the Actions of their yet ignorant Nonage, till Reaſon ſhall take its place, and eaſe them of that Trouble, is what the Children want, and the Parents are bound to. For God having given Man an Underſtanding to direct his Actions, has allowed him a freedom of Will, and liberty of Acting, as properly belonging thereunto, within the bounds of that Law he is under. But whilſt he is in an Eſtate, wherein he has no Underſtanding of his own to direct his Will, he is not to have any Will of his own to follow: He that underſtands for him, muſt will for him too; he muſt preſcribe to his Will, and regulate his Actions; but when he comes to the eſtate that made his Father a Free-man, the Son is a Free-man too.

59. This holds in all the Laws a Man is under, whether natural or civil. Is a man under the Law of Nature? what made him free of that Law? what gave him a free

ree diſpoſing of his Property, according to his own Will, within the compaſs of that Law? I anſwer, an Eſtate wherein he might be ſuppos'd capable to know that Law, that ſo he might keep his Actions within the Bounds of it. When he has acquired that ſtate, he is preſumed to know how far that Law is to be his Guide, and how far he may make uſe of his Freedom, and ſo comes to have it; till then, ſome body elſe muſt guide him, who is preſumed to know how far the Law allows a Liberty. If ſuch a ſtate of Reaſon, ſuch an Age of Diſcretion made him free, the ſame ſhall make his Son free too. Is a Man under the Law of *England*? what made him free of that Law? that is, to have the Liberty to diſpoſe of his Actions and Poſſeſſions, according to his own Will, within the Permiſſion of that Law? A capacity of knowing that Law. Which is ſuppoſed, by that Law, at the Age of Twenty one, and in ſome caſes ſooner. If this made the Father free, it ſhall make the Son free too. Till then, we ſee, the Law allows the Son to have no Will, but he is to be guided by the Will of his Father or Guardian, who is to underſtand for him. And if the Father die, and fail to ſubſtitute a Deputy in this Truſt, if he hath not provided a Tutor to govern his Son, during

his Minority, during his Want of Understanding, the Law takes care to do it; some other must govern him, and be a Will to him, till he hath attained to a state of Freedom, and his Understanding be fit to take the Government of his Will. But after that, the Father and Son are equally free, as much as Tutor and Pupil, after Nonage; equally Subjects of the same Law together, without any Dominion left in the Father, over the Life, Liberty, or Estate of his Son, whether they be only in the State, and under the Law of Nature, or under the positive Laws of an Establish'd Government.

60. But if, through defects, that may happen, out of the ordinary Course of Nature, any one comes not to such a degree of Reason, wherein he might be supposed capable of knowing the Law, and so living within the Rules of it, he is never capable of being a Free Man; he is never let loose to the disposure of his own Will, because he knows no bounds to it, has not Understanding, its proper Guide; but is continued under the Tuition and Government of others, all the time his own Understanding is uncapable of that Charge. And so Lunaticks and Ideots are never set free from the Government of their Parents; *Children, who are not as yet*

yet come unto those years whereat they may have; and Innocents, which are excluded, by a natural defect, from ever having. Thirdly, *Madmen, which, for the present, cannot possibly have the use of right Reason to guide themselves, have, for their Guide, the Reason that guideth other Men, which are Tutors over them, to seek and procure their good for them, says Hooker* Eccl. Pol. *lib.* 1. §. 7. All which seems no more than that Duty which God and Nature has laid on Man, as well as other Creatures, to preserve their Off-spring till they can be able to shift for themselves, and will scarce amount to an instance or proof of Parents Regal Authority.

61. Thus we are born free, as we are born rational; not that we have actually the Exercise of either: Age that brings one, brings with it the other too. And thus we see how natural Freedom and Subjection to Parents may consist together, and are both founded on the same Principle. A Child is free by his Father's Title, by his Father's Understanding, which is to govern him, till he hath it of his own. The Freedom of a man, at years of discretion, and the Subjection of a Child to his Parents, whilst yet short of it, are so consistent, and so distinguishable, that the most blinded Contenders for Monarchy

narchy, *by Right of Fatherhood*, cannot miſs of it; the moſt obſtinate cannot but allow of it. For were their Doctrine all true, were the right Heir of *Adam* now known, and, by that Title, ſetled a Monarch in his Throne; inveſted with all the Abſolute, Unlimited Power Sr. *R. F.* talks of; If he ſhould dye as ſoon as his Heir were born, muſt not the Child, notwithſtanding he were never ſo free, never ſo much ſovereign, be in ſubjection to his Mother and Nurſe, to Tutors and Gonours, till Age and Education brought him Reaſon and Ability to govern himſelf, and others? The Neceſſities of his Life, the Health of his Body, and the Information of his Mind would require him to be directed by the Will of others and not his own: and yet will any one think, that this Reſtraint and Subjection were inconſiſtent with, or ſpoiled him of that Liberty or Sovereignty he had a Right to: or gave away his Empire to thoſe who had the Government of his Nonage? This Government over him only prepared him the better, and ſooner for it. If any body ſhould ask me, When my Son is of Age to be free; I ſhall anſwer, Juſt when his Monarch is of Age to govern. *But at what time*, ſays the judicious *Hooker*, *Eccl. Pol.* l. 1. §. 6. *a man may be ſaid to have attain'd*

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ſo far forth the uſe of Reaſon, as ſufficeth to make him capable of thoſe Laws whereby he is then bound to guide his Actions: this is a great deal more eaſie for ſenſe to diſcern, than for any one, by Skill and Learning, to determine.

62. Commonwealths themſelves take notice of, and allow, that there is a time when Men are to begin to act like Free Men, and therefore, till that time, require not Oaths of Fealty or Allegiance, or other publick owning of, or Submiſſion to the Government of their Countreys.

63. The Freedom then of Man, and Liberty of acting, according to his own Will, is grounded on his having Reaſon, which is able to inſtruct him in that Law he is to govern himſelf by, and make him know how far he is left to the freedom of his own will. To turn him looſe to an unreſtrain'd Liberty, before he has Reaſon to guide him, is not the allowing him the priviledge of his Nature, to be free; but to thruſt him out amongſt Brutes, and abandon him to a ſtate as wretched, and as much beneath that of a Man, as theirs. This is that which puts the Authority into the Parents hands to govern the Minority of their Children. God hath made it their buſineſs to imploy this Care on their Offſpring, and hath placed in them ſuitable Inclinations of Tenderneſs and Concern

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to temper this power, to apply it as his Wisdom designed it, to the Childrens good, as long as they should need to be under it.

64. But what reason can hence advance this Care, of the Parents, due to their Offspring, into an Absolute, Arbitrary Dominion of the Father, whose power reaches no farther, than by such a Discipline, as he finds most effectual, to give such strength and health to their Bodies, such vigour and rectitude to their Minds, as may best fit his Children to be most useful to themselves and others; and, if it be necessary to his Condition, to make them work, when they are able, for their own Subsistence. But, in this power, the Mother too has her share with the Father.

65. Nay this power so little belongs to the Father, by any peculiar right of Nature, but only as he is Guardian of his Children, that when he quits his Care of them, he loses his power over them, which goes along with their Nourishment and Education, to which it is inseparably annexed, and belongs as much to the Foster-Father of an exposed Child, as to the Natural Father of another. So little power does the bare act of begetting give a Man over his Issue: if all his Care ends there, and this be all the Title he hath to the Name and Authority of a Father: and what

what will become of this Paternal Power in that part of the World where one Woman hath more than one Husband at a time? Or in those parts of *America*, where, when the Husband and Wife part, which happens frequently, the Children are all left to the Mother, follow her, and are wholly under her Care and Provision? And if the Father die whilst the Children are young, do they not naturally every where owe the same Obedience to their Mother, during their Minority, as to their Father, were he alive? And will any one say, that the Mother hath a legislative Power over her Children; that she can make standing Rules, which shall be of perpetual Obligation, by which they ought to regulate all the Concerns of their Property, and bound their Liberty all the course of their Lives, and inforce the observation of them with Capital Punishments? For this is the proper power of the Magistrate, of which the Father hath not so much as the shadow. His Command over his Children, is but temporary, and reaches not their Life or Property. It is but a help to the weakness and imperfection of their Nonage; a Discipline necessary to their Education: and though a Father may dispose of his own Possessions, as he pleases, when his Children are out of danger of perishing

ing for want; yet his power extends not to the lives or goods, which either their own induſtry, or anothers bounty, has made theirs; nor to their liberty neither, when they are once arrived to the infranchiſement of the years of diſcretion. The Father's Empire then ceaſes, and he can from thence forwards no more diſpoſe of the liberty of his Son than that of any other Man. And it muſt be far from an abſolute, or perpetual Juriſdiction, from which a Man may withdraw himſelf, having Licence from Divine Authority, to *leave Father and Mother, and cleave to his Wife.*

66. But though there be a time when a Child comes to be as free from ſubjection to the will and Command of his Father, as he himſelf is free from ſubjection to the will of any body elſe, and they are both under no other reſtraint, but that which is common to them both, whether it be the Law of Nature, or municipal Law of their Country; yet this freedom exempts not a Son from that honour which he ought, by the Law of God and Nature, to pay his Parents. God having made the Parents Inſtruments in his great deſign of continuing the Race of Mankind, and the occaſions of Life to their Children, as he hath laid on them an obligation to nouriſh,

riſh, preſerve, and bring up their Off-ſpring: ſo he has laid on the Children a perpetual obligation of honouring their Parents, which containing in it an inward eſteem and reverence to be ſhewn by all outward expreſſions, ties up the Child from any thing that may ever injure or affront, diſturb, or endanger the happineſs, or life of thoſe from whom he received his: and engages him in all actions of defence, relief, aſſiſtance and comfort of thoſe by whoſe means he entred into being, and has been made capable of any enjoyments of life. From this obligation no State, no freedom, can abſolve Children. But this is very far from giving Parents a power of command over their Children, or an Authority to make Laws, and diſpoſe as they pleaſe of their Lives or Liberties. 'Tis one thing to owe honour, reſpect, gratitude and aſſiſtance; another to require an abſolute obedience and ſubmiſſion. The honour due to Parents, a Monarch in his Throne owes his Mother, and yet this leſſens not his Authority, nor ſubjects him to her Government.

67. The ſubjection of a minor places in the Father a temporary Government, which terminates with the minority of the Child. And the honour due from a Child, places in the Parents a perpetual right to reſpect,

reſpect, reverence, ſupport and compliance to more, or leſs, as the Father's care, coſt and kindneſs, in his Education, has been more or leſs. And this ends not with minority, but holds in all parts and conditions of a Man's Life. The want of diſtinguiſhing theſe two powers which the Father hath in the right of tuition, during minority, and the right of honour all his Life, may perhaps have cauſed a great part of the miſtakes about this matter. For to ſpeak properly of them, the firſt of theſe is rather the priviledge of Children, and duty of Parents, than any Prerogative of Paternal Power. The nouriſhment and Education of their Children, is a Charge ſo incumbent on Parents for their Childrens good, that nothing can abſolve them from taking care of it. And though the power of commanding and chaſtiſing them go along with it, yet God hath woven into the principles of humane nature, ſuch a tenderneſs for their Off-ſpring, that there is little fear that Parents ſhould uſe their power with too much rigour; the exceſs is ſeldom on the ſevere ſide, the ſtrong biaſs of nature drawing the other way. And therefore God Almighty, when he would expreſs his gentle dealing with the *Iſraelites*, he tells them, that though he chaſten'd them, *he chaſten'd them as a man chaſtens*

ens his Son, Deut. 8. 5. *i. e.* with tenderneſs and affection, and kept them under no ſeverer diſcipline than what was abſolutely beſt for them; and had been leſs kindneſs to have ſlacken'd. This is that power to which Children are commanded obedience, that the pains and care of their Parents may not be increaſed, or ill rewarded.

68. On the other ſide, honour and ſupport all that which gratitude requires to return; for the benefits received by and from them is the indiſpenſible duty of the Child, and the proper priviledge of the Parents. This is intended for the Parents advantage, as the other is for the Childs; though Education, the Parents duty, ſeems to have moſt power, becauſe the ignorance and infirmities of Childhood, ſtand in need of reſtraint and correction; which is a viſible exerciſe of Rule, and a kind of Dominion. And that duty which is comprehended in the word *honour*, requires leſs obedience, though the obligation be ſtronger on grown than younger Children. For who can think the Command, *Children obey your Parents*, requires in a Man that has Children of his own, the ſame ſubmiſſion to his Father, as it does in his yet young Children to him; and that by this Precept, he were bound to obey

all

all his Father's Commands, if out of a conceit of authority he ſhould have the indiſcretion to treat him ſtill as a Boy.

69. The firſt part then of Paternal Power, or rather Duty, which is Education, belongs ſo to the Father, that it terminates at a certain ſeaſon; when the buſineſs of Education is over it ceaſes of it ſelf; and is alſo alienable before. For a Man may put the tuition of his Son in other hands; and he that has made his Son an Apprentice to another, has diſcharged him, during that time, of a great part of his Obedience, both to himſelf and to his Mother. But all the duty of honour, the other part, remains never the leſs entire to them; nothing can cancel that. It is ſo inſeparable from them both, that the Father's Authority cannot diſpoſſeſs the Mother of this right, nor can any Man diſcharge his Son from honouring her that bore him. But both theſe are very far from a power to make Laws, and inforceing them with Penalties, that may reach Eſtate, Liberty, Limbs and Life. The power of Commanding ends with Nonage; and though after that, honour and reſpect, ſupport and defence, and whatſoever gratitude can oblige a Man to, for the higheſt benefits he is naturally capable of, be always due from a Son to his Parents; yet

yet all this puts no Scepter into the Father's hand, no Soveraign Power of Commanding. He has no Dominion over his Sons property or actions, nor any right that his Will should prescribe to his Sons in all things; however it may become his Son in many things, not very inconvenient to him and his Family, to pay a Deference to it.

70. A Man may owe honour and respect to an ancient or wise Man; defence to his Child or Friend; relief and support to the distressed; and gratitude to a Benefactor; to such a degree, that all he has, all he can do, cannot sufficiently pay it. But all these give no Authority, no right of making Laws to any one over him from whom they are owing. And 'tis plain, all this is due, not to the bare title of Father; not only because, as has been said, it is owing to the Mother too: but because these obligations to Parents, and the degrees of what is required of Children, may be varied by the different care and kindness, trouble and expence, is often imployed upon one Child more than another.

71. This shews the reason how it comes to pass, that Parents in Societies, where they themselves are Subjects, retain a power over their Children, and have as much

right to their Subjection, as those who are in the state of Nature, which could not possibly be, if all political Power were only paternal, and that, in truth, they were one and the same thing: for then, all paternal Power being in the Prince, the Subject could naturally have none of it; but these two Powers, political and paternal, are so perfectly distinct and separate, and built upon so different Foundations, and given to so different Ends, that every Subject, that is a Father, has as much a paternal Power over his Children, as the Prince has over his. And every Prince that has Parents, owes them as much filial Duty and Obedience, as the meanest of his Subjects do to theirs; and can therefore contain, not any part or degree of that kind of Dominion, which a Prince, or Magistrate has over his Subject.

72. Though the Obligation on the Parents to bring up their Children, and the Obligation on Children to honour their Parents, contain all the Power on the one hand, and Submission on the other, which are proper to this Relation; yet there is another Power, ordinarily, in the Father, whereby he has a tye on the Obedience of his Children, which, though it be common to him with other men, yet the Occasions of shewing it, almost constantly

happening

happening to Fathers in their private Families, and in Instances of *it* elſe-where being rare, and leſs taken notice of, it paſſes in the World for a part of *paternal Juriſdiction*. And this is the Power Men generally have, to beſtow their Eſtates on thoſe who pleaſe them beſt. The Poſſeſſion of the Father, being the Expectation and Inheritance of the Children ordinarily, in certain proportions, according to the Law and Cuſtom of each Country; yet it is commonly in the Father's Power to beſtow it with a more ſparing or liberal hand, according as the Behaviour of this or that Child hath comported with his Will and Humour.

73. This is no ſmall Tye to the Obedience of Children: and there being always annexed to the Enjoyment of Land, a Submiſſion to the Government of the Country, of which that Land is a part. It has been commonly ſuppos'd, That, a Father could oblige his Poſterity to that Government, of which he himſelf was a Subject, that his Compact held them, whereas, it being only a neceſſary Condition annex'd to the Land, which is under that Government, reaches only thoſe who will take it on that Condition, and ſo is no natural Tye or Engagement, but a voluntary Submiſſion. For every Man's Children

being, by Nature, as free as himself, or any of his Ancestours ever were, may, whilst they are in that Freedom, choose what Society they will join themselves to, what Commonwealth they will put themselves under. But if they will enjoy the Inheritance of their Ancestours, they must take it on the same terms their Ancestours had it, and submit to all the Conditions, annex'd to such a Possession. By this Power indeed, Fathers oblige their Children to Obedience to themselves, even when they are past Minority, and most commonly too, subject them to this or that political Power. But neither of these by any peculiar right of Father-hood, but by the Reward they have in their hands to inforce and recompence such a Compliance; and is no more Power than what a *French*-man has over an *English*-man, who by the hopes of an Estate he will leave him, will certainly have a strong tye on his Obedience: and if when it is left him, he will enjoy it, he must certainly take it upon the Conditions annex'd to the Possession of Land, in that Country where it lies, whether it be *France* or *England*.

74. To conclude then, though the Father's Power of commanding, extends no farther than the Minority of his Children, and to a degree only fit for the Discipline, and

and Government of that Age. And though that Honour and Respect, and all that which the *Latins* called Piety, which they indispensibly owe to their Parents all their Life times, and in all estates, with all that Support and Defence, is due to them, gives the Father no Power of governing, *i. e.* making Laws and exacting Penalties on his Children. Though by this he has no Dominion over the Property or Actions of his Son; yet 'tis obvious to conceive, how easie it was, in the first Ages of the World, and in places still where the thinness of People gives Families leave to separate into unpossessed Quarters, and they have room to remove and plant themselves in yet vacant habitations, for the Father of the Family to become the Prince of it; he had been

It is no improbable Opinion, therefore, which the Arch-Philosopher *was of, That the chief Person in every Household, was always, as it were, a King; so when Numbers of Households join'd themselves in civil Societies together, Kings were the first kind of Governours amongst them, which is also, as it seemeth, the reason why the name of Fathers continued still in them, who of Fathers, were made Rulers; as also the ancient Custom of Governours to do as* Melchizedec, *and being Kings, to exercise the Office of Priests, which Fathers did, at the first grow, perhaps, by the same Occasion. Howbeit, this is not the only kind of Regiment that has been received in the World. The Inconveniences of one kind have caused sundry other to be devised, so that, in a word, all publique Regiment, of what kind soever, seemeth evidently to have risen from the deliberate Advice, Consultation and Composition between Men, judging it convenient, and behovefull, there being no impossibility in Nature, considered by it self, but that Man might have lived without any publique Regiment.* Hooker's Eccl. l. 1. §. 10.

a Ruler from the Beginning of the Infancy of his Children, and when they were grown up: since without some Government it would be hard for them to live together, it was likelyeſt it ſhould, by the expreſs or tacit Conſent of the Children, be in the Father, where it ſeemed, without any change, barely to continue. And when indeed nothing more was required to it, than the permitting the Father to exerciſe alone, in his Family, that executive Power of the Law of Nature, which every Free-man naturally hath, and by that Permiſſion reſigning up to him a Monarchical Power, whilſt they remained in it. But that this was not by any paternal Right, but only by the Conſent of his Children, is evident from hence, That no Body doubts but if a Stranger, whom Chance or Buſineſs had brought to his Family, had there kill'd any of his Children, or committed any other Fact, he might condemn and put him to Death, or otherwiſe have puniſhed him as well as any of his Children, which was impoſſible he ſhould do by virtue of any paternal Authority, over one who was not his Child; but by virtue of that executive Power of the Law of Nature, which, as a Man, he had a right to: and he alone could puniſh him in his Family, where the Reſpect of his

his Children had laid by the Exercise of such a Power, to give way to the Dignity and Authority they were willing should remain in him above the rest of his Family.

75. Thus 'twas easie and almost natural for Children by a tacit and almost natural consent, to make way for the Father's Authority and Government. They had been accustomed in their Child-hood, to follow his Direction, and to refer their little differences to him, and when they were Men, who fitter to rule them? Their little Properties, and less Covetousness, seldom afforded greater Controversies; and when any should arise, where could they have a fitter Umpire, than he, by whose Care they had every one been sustain'd and brought up, and who had a tenderness for them all? 'Tis no wonder that they made no distinction betwixt Minority and full Age, nor looked after one and Twenty, or any other Age, that might make them the free Disposers of themselves and Fortunes, when they could have no desire to be out of their Pupilage. The Government they had been under, during it, continued still to be more their Protection than Restraint: and they could no where find a greater security to their Peace, Liberties, and Fortunes, than in the Rule of a Father.

76. Thus the natural Fathers of Families, by an insensible change, became the politick Monarchs of them too; and as they chanced to live long, and leave able and worthy Heirs, for several Successions, or otherwise: so they laid the Foundations of Hereditary, or Elective Kingdoms under several Constitutions, and Manors, accordingas Chance, Contrivance, or Occasions happen'd to mould them. But if Princes have their Titles in the Fathers Right, and it be a sufficient proof of the natural Right of Fathers to political Authority; because, they commonly were those, in whose hands, we find, *de facto*, the Exercise of Government: I say, if this Argument be good, it will as strongly prove that all Princes, nay Princes only, ought to be Priests, since 'tis as certain that in the Beginning, *The Father of the Family was Priest, as that he was Ruler in his own Houshold.*

CHAP.

CHAP. VII.

Of Political or Civil Society.

77. GOD having made Man such a creature, that, in his own Judgment, it was not good for him to be alone, put him under strong Obligations of Necessity, Convenience, and Inclination, to drive him into Society, as well as fitted him with Understanding and Language to continue and enjoy it. The first Society was betwen Man and Wife, which gave beginning to that between Parents and Children; to which, in time, that between Master and Servant came to be added: and though all these might, and commonly did meet together, and make up but one Family, wherein, the Master or Mistriss of it had some sort of Rule, proper to a Family; each of these, or all together came short of *Political Society*, as we shall see if we consider the different Ends, Ties, and Bounds of each of these.

78. Conjugal Society is made by a voluntary compact between Man and Woman, and though it consist chiefly in such a Communion and Right in one anothers Bodies, as is necessary to its chief End, Procreation; yet it draws with it mutual Support

Support and Assistance; and a Communion of Interests too, as necessary, not only to unite their Care and Affection, but also necessary to their common Off-spring, who have a Right to be nourished and maintained by them, till they are able to provide for themselves.

79. For the end of conjunction between Male and Female, being not barely Procreation, but the continuation of the Species. This conjunction betwixt Male and Female ought to last, even after Procreation, so long as is necessary to the nourishment and support of the young Ones, who are to be sustained by those that got them, till they are able to shift and provide for themselves. This Rule, which the Infinite wise Maker hath set to the Works of his hands, we find, the inferiour Creatures steadily obey. In those viviparous Animals, which feed on Grass, the conjunction between Male and Female lasts no longer than the very Act of Copulation; because the Teat of the Dam being sufficient to nourish the Young, till it be able to feed on Grass: the Male only begets, but concerns not himself for the Female or Young, to whose Sustenance he can contribute nothing. But in Beasts of Prey the conjunction lasts longer; because the Dam not being able well to subsist her self, and nou-

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rish her numerous Off-spring, by her own Prey alone, a more laborious, as well as more dangerous way of living, than by feeding on Grass; the Assistance of the Male is necessary to the Maintenance of their common Family, which cannot subsist, till they are able to prey for themselves, but by the joint Care of Male and Female. The same is to be observed in all Birds (except some domestick ones, where plenty of food excuses the Cock from feeding, and taking care of the young Brood) whose Young needing Food in the Nest, the Cock and Hen continue Mates till the Young are able to use their wing, and provide for themselves.

80. And herein, I think, lies the chief, if not the only reason, why the Male and Female, in Mankind, are tyed to a longer conjunction, than other Creatures; *viz.* because the Female is capable of conceiving, and *de facto* is commonly with Child again, and brings forth too a new Birth, long before the former is out of a dependency for support on his Parents help, and able to shift for himself, and has all the assistance is due to him from his Parents, whereby the Father, who is bound to take care for those he hath begot, is under an obligation to continue in Conjugal Society, with the same Woman, longer than other Creatures, whose Young being

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able to ſubſiſt of themſelves, before the time of Procreation returns again, the Conjugal Bond diſſolves of it ſelf, and they are at liberty; till *Hymen*, at his uſual anniverſary Seaſon, ſummons them again to chuſe new Mates. Wherein one cannot but admire the Wiſdom of the great Creator, who, having given to Man an Ability, to lay up for the future, as well as ſupply the preſent neceſſity, hath made it neceſſary, that Society of Man and Wife ſhould be more laſting, than of Male and Female amongſt other Creatures: that ſo their Induſtry might be encouraged, and their Intereſt better united, to make proviſion, and lay up Goods for their common Iſſue; which uncertain mixture, or eaſie, and frequent ſolutions of Conjugal Society would mightily diſturb.

81. But though theſe are Ties upon Mankind, which make the Conjugal Bonds more firm and laſting, in a Man, than the other ſpecies of Animals; yet it would give one reaſon to enquire, why this compact, where Procreation and Education are ſecured, and Inheritance taken care for, may not be made determinable, either by conſent, or at a certain time, or upon certain conditions, as well as any other voluntary compacts; there being no neceſſity, in the nature of the thing, nor to the ends

ends of it, that it ſhould always be for life; I mean, to ſuch as are under no Reſtraint of any poſitive Law, which ordains all ſuch contracts to be perpetual.

82. But the Husband and Wife, though they have but one common Concern, yet having different Underſtandings, will, unavoidably ſometimes, have different wills too: it therefore being neceſſary, that the laſt Determination, *i. e.* the Rule, ſhould be placed ſomewhere; it naturally falls to the Man's ſhare, as the abler and the ſtronger. But this, reaching but to the things of their common Intereſt and Property, leaves the Wife in the full and true poſſeſſion of what, by contract, is her peculiar Right; and at leaſt gives the Husband no more Power over her than ſhe has over his Life. The Power of the Husband being ſo far from that of an abſolute Monarch, that the Wife has, in many caſes, a liberty to ſeparate from him; where natural Right, or their Contract allows it; whether that Contract be made by themſelves, in the ſtate of Nature, or by the Cuſtoms or Laws of the countrey they live in, and the Children, upon ſuch Separation, fall to the Father or Mother's Lot, as ſuch Contract does determine.

83. For all the ends of Marriage being to be obtained, under politick Govern-

ment,

ment, as well as in the ſtate of Nature, the civil Magiſtrate doth not abridge the Right or Power of either, naturally neceſſary to thoſe ends, *viz.* Procreation, and mutual Support, and Aſſiſtance, whilſt they are together; but only decides any Controverſie that may ariſe, between Man and Wife, about them. If it were otherwiſe, and that abſolute Soveraignty and Power of life and death naturally belong'd to the Husband, and were neceſſary to the Society between Man and Wife, there could be no Matrimony in any of theſe Countries, where the Husband is allowed no ſuch abſolute Authority; but the ends of Matrimony requiring no ſuch Power in the Husband, it was not at all neceſſary to it: the condition of Conjugal Society put it not in him, but whatſoever might conſiſt with Procreation and Support of the Children, till they could ſhift for themſelves: mutual Aſſiſtance, Comfort, and Maintenance might be varied, and regulated, by that contract which firſt united them in that Society; nothing being neceſſary to any Society, that is not neceſſary to the ends for which it is made.

84. The Society betwixt Parents and Children, and the diſtinct Rights and Powers, belonging reſpectively to them, I have treated of ſo largely, in the

foro-

foregoing Chapter, that I shall not have need to say any thing of it. And I think it is plain, that it is far different from a politick Society.

85. Master and Servant are Names as old as History, but given to those of far different condition; for a Free-man makes himself a Servant to another, by selling him, for a certain time, the Service he undertakes to do, in exchange, for Wages he is to receive: and though this commonly puts him into the Family of his Master, and under the ordinary discipline thereof; yet it gives the Master but a Temporary Power over him, and no greater than what is contained in the Contract between them. But there is another sort of Servants, which, by a peculiar Name, we call Slaves, who, being Captives, taken in a just War, are, by the Right of Nature, subjected to the Absolute Dominion, and Arbitrary Power of their Masters. These Men having, as I say, forfeited their Lives, and, with it, their Liberties, and lost their Estates; and being in the state of Slavery, not capable of any Property, cannot, in that state, be considered as any part of civil Society; the chief end whereof is the preservation of Property.

86. Let us therefore consider a Master of a Family with all these subordinate Relations

lations of Wife, Children, Servants and Slaves, united under the domeſtick rule of a Family; which what reſemblance ſoever it may have in its order, offices, and number too, with a little Commonwealth; yet is very far from it, both in its conſtitution, power and end: or if it muſt be thought a Monarchy, and the *Paterfamilias*, the abſolute Monarch in it, abſolute Monarchy will have but a very ſhattered and ſhort Power, when 'tis plain, by what has been ſaid before, That the Maſter of the Family has a very diſtinct and differently limited Power, both as to time and extent, over thoſe ſeveral perſons that are in it; for excepting the Slave (and the Family is as much a Family, and his Power as *Paterfamilias* as great, whether there be any Slaves in his Family or no) he has no Legiſlative power of Life and Death over any of them, and none too but what a Miſtreſs of a Family may have as well as he. And he certainly can have no abſolute power over the whole Family, who has but a very limited one over every individual in it. But how a Family, or any other Society of Men differ from that which is properly political Society, we ſhall beſt ſee, by conſidering wherein political Society it ſelf conſiſts.

87. Man

87. Man being born, as has been proved, with a title to perfect freedom, and an uncontrouled enjoyment of all the Rights and Priviledges of the Law of Nature, equally with any other Man, or number of Men in the World, hath by nature a power, not only to preserve his Property, that is, his Life, Liberty and Estate, against the injuries and attempts of other men; but to judge of and punish the breaches of that Law in others, as he is perswaded the offence deserves, even with death it self, in Crimes where the heinousness of the fact, in his opinion, requires it. But because no political Society can be, nor subsist without having in it self the power to preserve the property, and in order thereunto, punish the offences of all those of that Society; There, and there only is political Society, where every one of the Members hath quitted this natural Power, resign'd it up into the hands of the Community in all cases that exclude him not from appealing for protection to the law established by it. And thus all private judgment of every particular Member being excluded, the Community comes to be Umpire; and by understanding indifferent rules and men authorised by the community for their execution, decides all the differences that may happen between

any Members of that Society, concerning any matter of right, and punishes those offences which any member hath committed against the Society with such penalties as the law has established; whereby it is easy to discern who are, and are not, in political Society together. Those who are united into one Body, and have a common establish'd Law and Judicature to appeal to, with Authority to decide Controversies between them, and punish Offenders, are in civil Society one with another; but those who have no such common Appeal, I mean on Earth, are still in the state of Nature, each being where there is no other, Judge for himself, and Executioner; which is, as I have before shew'd it, the perfect state of Nature.

88. And thus the Commonwealth comes by a power to set down what punishment shall belong to the several transgressions they think worthy of it, committed amongst the Members of that Society (which is the power of making Laws) as well as it has the power to punish any injury done unto any of its Members, by any one that is not of it, (which is the power of War and Peace;) and all this for the preservation of the property of all the Members of that Society, as far as is possible. But though every Man enter'd into

to Society, has quitted his power to punish offences against the Law of Nature, in prosecution of his own private Judgment; yet with the Judgment of offences which he has given up to the Legislative, in all Cases where he can appeal to the Magistrate, he has given up a right to the Commonwealth, to imploy his Force for the Execution of the Judgments of the Commonwealth, whenever he shall be called to it, which indeed are his own Judgments, they being made by himself or his representative. And herein we have the original of the Legislative and Executive Power of Civil Society, which is to judge by standing Laws how far offences are to be punished when committed within the Commonwealth; and also by occasional Judgments founded on the present circumstances of the fact, how far injuries from without are to be vindicated, and in both these to imploy all the force of all the Members when there shall be need.

89. Whereever therefore any number of Men so unite into one Society, as to quit every one his Executive Power of the Law of Nature, and to resign it to the publick, there and there only is a political, or civil Society. And this is done whereever any number of Men, in the State of Nature, enter into Society to make one People, one

Body Politick under one Supream Government; or else when any one joins himself to, and incorporates with any Government already made. For hereby he authorizes the Society, or which is all one, the Legislative thereof to make Laws for him as the publick good of the Society shall require; to the Execution whereof, his own assistance (as to his own decrees) is due. And this puts men out of a state of nature into that of a Commonwealth, by setting up a Judge on Earth, with Authority to determine all the Controversies, and redress the injuries that may happen to any Member of the Commonwealth; which Judge is the Legislative or Magistrates appointed by it. And whereever there are any number of Men, however associated, that have no such decisive power to appeal to, there they are still in the state of Nature.

90. And hence it is evident, that Absolute Monarchy which by some Men is counted for the only Government in the World, is indeed inconsistent with civil Society, and so can be no Form of civil Government at all: For the end of civil Society, being to avoid and remedy those inconveniencies of the state of Nature which necessarily follow from every Man's being Judge in his own Case, by setting up a known Authority, to which every one

one of that Society may appeal upon any injury received, or Controverſy that may ariſe, and which every one of the Society ought to obey. Wherever any perſons are who have not ſuch an authority to appeal to, and decide any difference between them there, thoſe perſons are ſtill in the ſtate of nature. And ſo is every abſolute Prince in reſpect of thoſe who are under his Dominion.

The publick Power of all Society is above every Soul contained in the ſame Society; and the principal uſe of that power is to give Laws unto all that are under it, which Laws in ſuch Caſes we muſt obey, unleſs there be reaſon ſhew'd which may neceſſarily inforce, that the Law of Reaſon, or of God, doth injoin the contrary, Hook. Eccl. Pol. 1. §. 16.

91. For he being ſuppos'd to have all, both Legiſlative and Executive Power in himſelf alone, there is no Judge to be found, no appeal lies open to any one, who may fairly and indifferently, and with authority decide, and from whence relief and redreſs may be expected of any injury or inconveniency that may be ſuffered from him, or by his order. So that ſuch a Man, however intitled *Czar*, or *Grand Signior*, or how you pleaſe, is as much in the ſtate of nature, with all under his Dominion, as he is with the reſt of Mankind. For wherever any two Men

are, who have no ſtanding Rule, and common Judge to appeal to on Earth, for the determination of Controverſies of Right, betwixt them, there they are ſtill in the ſtate of Nature, and under all the inconveniencies of it, with only this woful difference to the Subject, or rather Slave of an abſolute Prince; That whereas, in the ordinary ſtate of Nature, he has a liberty to judge of his Right, and according to the beſt of his power, to maintain it: but whenever his Property is invaded by the Will and Order of his Monarch; he has not only no Appeal, as thoſe in Society ought to have, but, as if he were degra-

To take away all ſuch mutual Grievances, Injuries and Wrongs, i. e. ſuch as attend Men in the ſtate of Nature. *Theſe was no way but only by growing into Compoſition and Agreement amongſt themſelves by ordaining ſome kind of Government publick, and by yielding themſelves ſubject thereunto, that unto whom they granted Authority to rule and govern: by them the Peace, Tranquillity, and happy Eſtate of the reſt might be procured. Men always knew that where Force and Injury was offered, they might be Defenders of themſelves; they knew that however Men may ſeek their own Commodity; yet if this were done with Injury unto others, it was not to be ſuffered, but by all Men, and all good means to be withſtood. Finally, they knew that no Man might, in reaſon, take upon him to determine his own Right, and according to his own Determination proceed in maintenance thereof, in as much as every man is towards himſelf, and them whom he greatly affects, partial; and therefore, that Strifes and Troubles would be endleſs, except they gave their common Conſent, all to be ordered by ſome, whom they ſhould agree upon, without which Conſent, there would be no reaſon that one man ſhould take upon him to be Lord or Judge over another.* Hooker's Eccl. Pol. l. 1. §. 10.

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ded from the common ſtate of rational Creatures, is denied a liberty to judge of, or defend his Right, and ſo is expoſed to all the Miſery and Inconveniencies that a Man can fear from one, who being in the unreſtrained ſtate of Nature, is yet corrupted with Flattery, and armed with Power.

92. For he that thinks abſolute Power purifies Mens Bloods, and corrects the baſeneſs of humane Nature, need read but the Hiſtory of this, or any other Age, to be convinced of the contrary. He that would have been inſolent and injurious in the Woods of *America*, would not probably be much better in a Throne, where perhaps Learning and Religion ſhall be found out to juſtifie all that he ſhall do to his Subjects; and the Sword preſently ſilence all thoſe that dare queſtion it. For what the Protection of Abſolute Monarchy is; what kind of Fathers of their Countries it makes Princes to be; and to what a degree of Happineſs, and Security it carries civil Society, where this ſort of Government is grown to perfection, he that will look into the late Relation of *Ceylon* may eaſily ſee.

93. In Abſolute Monarchies indeed, as well as other Governments of the World, the Subjects have an Appeal to the Law,

and Judges to decide any Controverſies, and reſtrain any violence that may happen betwixt the Subjects themſelves, one amongſt another. This every one thinks neceſſary, and believes, he deſerves to be thought a declared Enemy to Society and Mankind, who ſhould go about to take it away. But whether this be from a true Love of Mankind and Society, & ſuch a Charity as we owe all one to another, there is reaſon to doubt. For this is no more than what every Man, who loves his own Power, Profit, or Greatneſs, may, and naturally muſt do; keep thoſe Animals from hurting, or deſtroying one another, who labour and drudge only for his Pleaſure and Advantage; and ſo are taken care of, not out of any Love the Maſter has for them, but Love of himſelf, and the Profit they bring him. For if it be asked what Security, what Fence is there, in ſuch a State, againſt the Violence and Oppreſſion of this Abſolute Ruler? The very Queſtion can ſcarce be born. They are ready to tell you, that it deſerves Death only to ask after Safety. Betwixt Subject and Subject, they will grant, there muſt be Meaſures, Laws, and Judges for their mutual Peace and Security. But as for the Ruler, he ought to be Abſolute, and is above all ſuch Circumſtances; becauſe he has a Power to do more hurt and

wrong,

wrong, 'tis right when he does it. To ask how you may be guarded from harm, or injury, on that ſide, where the ſtrongeſt hand is to do it, is preſently the Voice of Faction and Rebellion. As if when Men, quitting the ſtate of Nature, entered into Society, they agreed that all of them, but one, ſhould be under the reſtraint of Laws; but that he ſhould ſtill retain all the Liberty of the ſtate of Nature, increaſed with Power, and made licentious by Impunity. This is to think that Men are ſo fooliſh, that they take care to avoid what Miſchiefs may be done them by *Pole-Cats*, or *Foxes*, but are content, nay think it Safety, to be devoured by *Lions*.

94. But, whatever Flatterers may talk, to amuze Peoples Underſtandings, it never hinders Men from feeling; and when they perceive that any Man, in what Station ſoever, is out of the Bounds of the civil Society they are of, and that they have no Appeal, on Earth, againſt any harm they may receive from him, they are apt to think themſelves in the ſtate of Nature, in reſpect of him, whom they find to be ſo; and to take care, as ſoon as they can, to have that Safety and Security, in civil Society, for which it was firſt inſtituted, and for which only they entered into it. And therefore, though perhaps at firſt, as ſhall

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be ſhewed more at large hereafter, in the following part of this Diſcourſe, ſome one good and excellent Man having got a Preheminency, amongſt the reſt, had this Deference paid to his Goodneſs and Vertue, as to a kind of Natural Authority, that the chief Rule, with Arbitration of their differences, by a tacit Conſent, devolved into his hands, without any other caution, but the aſſurance they had of his Uprightneſs and Wiſdom; yet when time giving Authority, and, as ſome Men would perſwade us, Sacredneſs to Cuſtoms, which the negligent, and unforeſeeing Innocence of the firſt Ages began, had brought in Succeſſors of another ſtamp, the People finding their Properties not ſecure under the Government as then it was. (Whereas Government has no other end but the preſervation of Property) could never be ſafe, nor at reſt, nor think themſelves in civil Society, till the Le-

At the firſt; when ſome certain kind of Regiment was once appointed, it may be that nothing was then farther thought upon for the manner of governing, but all permitted unto their Wiſdom and Diſcretion, which were to Rule, till, by experience, they found this for all parts very inconvenient, ſo as the thing, which they had deviſed for a Remedy, did indeed but increaſe the Sore, which it ſhould have cured. They ſaw, that to live by one Man's Will, became the cauſe of all Mens miſery. This conſtrained them to come unto Laws wherein all Men might ſee their Duty beforehand, and know the Penalties of tranſgreſſing them. Hooker's Eccl. Pol. l. 1. §. 10.

giſlative

giſlative was ſo placed in collective Bodies of Men, call them Senate, Parliament, or what you pleaſe, by which means every ſingle perſon became ſubject equally, with other the meaneſt Men, to thoſe Laws, which he himſelf, as part of the Legiſlative, had eſtabliſhed; nor could any one, by his own Authority, avoid the force of the Law, when once made, nor by any pretence of Superiority plead exemption, thereby to licenſe his own, or the Miſcarriages of any of his Dependants: No Man in civil Society can be exempted from the Laws of it. For if any Man may do what he thinks fit, and there be no appeal on Earth, for Redreſs or Security againſt any harm he ſhall do; I ask, whether he be not perfectly ſtill in the ſtate of Nature, and ſo can be no Part or Member of that civil Society, unleſs any one will ſay, the ſtate of Nature and civil Society, are one and the ſame thing, which I have never yet found any one ſo great a Patron of Anarchy as to affirm.

Civil Law, being the Act of the whole Body Politick, doth therefore over-rule each ſeveral part of the ſame Body. Hooker ibid.

CHAP.

CHAP. VIII.

Of the Beginning of Political Societies.

95. MEN being, as has been said, by Nature, all free, equal and independent; no one can be put out of this Estate, and subjected to the Political Power of another, without his own Consent, which is done by agreeing with other Men, to join and unite into a Community, for their comfortable, safe, and peaceable living, one amongst another, in a secure Enjoyment of their Properties, and a greater Security against any that are not of it. This any number of Men may do, because it injures not the Freedom of the rest; they are left, as they were, in the Liberty of the state of Nature. When any number of Men have so consented to make one Community or Government, they are thereby presently incorporated, and make one Body Politick, wherein the Majority have a Right, to act and conclude the rest.

96. For when any number of Men, have by the consent of every individual, made a Community, they have thereby made that Community one Body, with a power to act as one Body, which is only by the will and determination of the majority.

jority. For that which acts any Community, being only the consent of the individuals of it, and it being one Body must move one way; it is necessary the Body should move that way whither the greater force carries it, which is the consent of the majority: or else it is impossible it should act or continue one Body, one Community, which the consent of every individual that united into it, agreed that it should; and so every one is bound by that consent to be concluded by the majority. And therefore we see, that in Assemblies impowred to act by positive Laws where no number is set, by that positive Law which impowers them, the act of the majority passes for the act of the whole, and of course determines, as having by the Law of Nature and Reason, the power of the whole.

97. And thus every Man by consenting with others to make one Body Politick, under one Government, puts himself under an obligation to every one of that Society, to submit to the determination of the majority, and to be concluded by it; or else this original Compact, whereby he with others incorporates into one Society, would signifie nothing, and be no Compact if he be left free, and under no other ties than he was in before in the

state

ſtate of Nature. For what appearance would there be of any Compact? What new engagement, if he were no farther tied by any Decrees of the Society, than he himſelf thought fit, and did actually conſent to? This would be ſtill as great a liberty as he himſelf had before his Compact, or any one elſe in the ſtate of Nature, who may ſubmit himſelf and conſent to any acts of it if he thinks fit.

98. For if the conſent of the majority ſhall not in reaſon be received as the act of the whole, and conclude every individual; nothing but the conſent of every individual can make any thing to be the act of the whole, which, conſidering the infirmities of health, and avocations of buſineſs, which in a number, though much leſs than that of a Commonwealth, will neceſſarily keep many away from the publick Aſſembly; and the variety of Opinions and contrariety of intereſts which unavoidably happen in all Collections of Men, 'tis next impoſſible ever to be had. And therefore if coming into Society be upon ſuch terms, it will be only like *Cato*'s coming into the Theatre, *tantum ut exiret*. Such a Conſtitution as this would make the mighty *Leviathan* of a ſhorter duration than the feebleſt Creatures; and not let it outlaſt the day it was born in.

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which cannot be ſuppos'd till we can think that rational Creatures ſhould deſire and conſtitute Societies only to be diſſolved. For where the majority cannot conclude the reſt, there they cannot act as one Body; and conſequently, will be immediately diſſolved again.

99. Whoſoever therefore, out of a ſtate of Nature, unite into a Community, muſt be underſtood to give up all the power neceſſary to the ends for which they unite into Society, to the majority of the Community, unleſs they expreſly agreed in any number greater than the majority. And this is done by barely agreeing to unite into one political Society, which is all the Compact that is, or needs be, between the individuals that enter into or make up a Commonwealth. And thus that which begins and actually conſtitutes any Political Society, is nothing but the conſent of any number of Freemen capable of majority, to unite and incorporate into ſuch a Society. And this is that, and that only, which did or could give beginning to any lawful Government in the World.

100. To this I find two Objections made. 1. That there are no inſtances to be found in ſtory, of a Company of Men independant and equal one amongſt another,

another, that met together, and in this way began and ſet up a Government. 2. 'Tis impoſſible of right that Men ſhould do ſo; becauſe all Men being born under Government, they are to ſubmit to that, and are not at liberty to begin a new one.

101. To the firſt, there is this to Anſwer, That it is not at all to be wonder'd that Hiſtory gives us but a very little account of Men that lived together in the ſtate of Nature. The inconveniencies of that condition, and the love and want of Society, no ſooner brought any number of them together, but they preſently united and incorporated, if they deſigned to continue together. And if we may not ſuppoſe Men ever to have been in the ſtate of Nature, becauſe we hear not much of them in ſuch a ſtate; we may as well ſuppoſe the Armies of *Salmanaſſer*, or *Xerxes*, were never Children, becauſe we hear little of them till they were Men, and imbodied in Armies. Government is every where antecedent to Records, and Letters ſeldom come in amongſt a People till a long continuation of Civil Society, has by other more neceſſary arts, provided for their Safety, Eaſe and Plenty. And then they begin to look after the Hiſtory of their Founders, and ſearch into their original

ginal when they have outlived the memory of it. For 'tis with Commonwealths as with particular Persons, they are commonly ignorant of their own Births and Infancies: and if they know any thing of it, they are beholding for it to the accidental Records that others have kept of it. And those that we have of the beginning of any Polities in the World, excepting that of the Jews, where God himself immediately interpos'd, and which favours not at all Paternal Dominion; are all either plain instances of such a beginning as I have mentioned, or at least have manifest footsteps of it.

102. He must shew a strange inclination to deny evident matter of fact when it agrees not with his Hypothesis; who will not allow, that the beginning of *Rome* and *Venice* were by the uniting together of several Men free and independent one of another, amongst whom there was no natural Superiority or Subjection. And if *Josephus Acosta*'s word may be taken, he tells us, that in many parts of *America* there was no Government at all. *There are great and apparent Conjectures*, says he, *that these men*, speaking of those of Peru, *for a long time had neither Kings nor Commonwealths, but lived in Troops, as they do this day in* Florida, *the* Cheriquanas,

those of Bresil, *and many other Nations, which have no certain Kings, but as occasion is offered in Peace or War, they choose their Captains as they please.* l. 1. c. 25. If it be said, that every Man there was born subject to his Father, or the head of his Family. That the subjection due from a Child to a Father, took not away his freedom of uniting into what political Society he thought fit, has been already proved. But be that as it will, these Men, 'tis evident, were actually free; and whatever superiority some Politicians now would place in any of them, they themselves claimed it not; but by consent were all equal, till by the same consent they set Rulers over themselves. So that their politick Societies all began from a voluntary Union, and the mutual agreement of Men freely acting in the choice of their Governours, and forms of Government.

103. And I hope those who went away from *Sparta*, with *Palantus*, mentioned by *Justin l.* will be allowed to have been Freemen independent one of another, and to have set up a Government over themselves, by their own consent. Thus I have given several Examples out of History, of people free and in the state of Nature, that being met together incorporated and began a Commonwealth. And if the want of

of such instances be an argument to prove, that Governments were not, nor could not be so begun. I suppose the Contenders for Paternal Empire were better let it alone, than urge it against natural Liberty. For if they can give so many instances out of History, of Governments began upon paternal Right, I think (though at least an Argument from what has been, to what should of right, be of no great force) one might, without any great danger, yield them the cause. But if I might advise them in the Case, they would do well not to search too much into the original of Governments, as they have begun *de facto*, lest they should find at the foundation of most of them, something very little favourable to the design they promote, and such a power as they contend for.

104. But, to conclude, Reason being plain on our side, that Men are naturally free; and the Examples of History shewing that the Governments of the World, that were begun in Peace, had their beginning laid on that foundation, and were made by the Consent of the People: There can be little room for doubt, either where the Right is, or what has been the Opinion, or Practice of Mankind about the first erecting of Governments.

105. I will not deny, that if we look back as far as History will direct us, towards the Original of Commonwealths, we shall generally find them under the Government and Administration of one Man. And I am also apt to believe, that where a Family was numerous enough to subsist by it self, and continued entire together, without mixing with others, as it often happens; where there is much Land, and few People, the Government commonly began in the Father. For the Father having, by the Law of Nature, the same Power, with every Man else, to punish, as he thought fit, any Offences against that Law, might thereby punish his transgressing Children, even when they were Men, and out of their Pupilage; and they were very likely to submit to his punishment, and all join with him against the Offender in their turns, giving him thereby power to Execute his Sentence against any transgression, and so in effect make him the Law-maker and Governour over all that remained in Conjunction with his Family. He was fittest to be trusted; Paternal affection secured their Property and Interest under his Care, and the Custom of obeying him in their Childhood, made it easier to submit to him rather than any other. If therefore they must have one to rule

rule them, as Government is hardly to be avoided amongst Men that live together; who so likely to be the Man as he that was their common Father, unless Negligence, Cruelty, or any other defect of Mind or Body, made him unfit for it. But when either the Father died, and left his next Heir for want of Age, Wisdom, Courage, or any other qualities less fit for Rule, or where several Families met and consented to continue together: There, 'tis not to be doubted, but they used their natural freedom to set up him whom they judged the ablest and most likely to Rule well over them. Conformable hereunto we find the People of *America*, who living out of the reach of the Conquering Swords and spreading domination of the two great Empires of *Peru* and *Mexico*, enjoy'd their own natural freedom; though, *ceteris paribus*, they commonly prefer the Heir of their deceased King; yet if they find him any way weak or uncapable, they pass him by; and set up the stoutest and bravest Man for their Ruler.

106. Thus, though looking back as far as Records give us any account of Peopling the World, and the History of Nations, we commonly find the Government to be in one hand, yet it destroys not that which I affirm (*viz.*) That the

beginning of Politick Society depends upon the consent of the Individuals to join into and make one Society, who when they are thus incorporated, might set up what form of Government they thought fit. But this having given occasion to Men to mistake and think, that by Nature Government was Monarchical, and belong'd to the Father, it may not be amiss, here to consider, why People, in the beginning, generally pitch'd upon this form, which though perhaps the Father's Preheminency might, in the first institution of some Commonwealths, give a rise to, and place in the beginning, the Power in one hand: yet it is plain that the reason that continued the Form of Government in a single Person, was not any Regard or Respect to Paternal Authority, since all petty Monarchies, that is, almost all Monarchies, near their Original, have been commonly, at least upon occasion, elective.

107. First then, in the beginning of things, the Father's Government of the Childhood of those sprung from him, having accustomed them to the Rule of one Man, and taught them, that where it was exercised with Care and Skill, with Affection and Love to those under it, it was sufficient to procure and preserve Men (all the

the political Happineſs they ſought for, in Society.) It was no wonder that they ſhould pitch upon, and naturally run into that Form of Government, which, from their Infancy, they had been all accuſtomed to; and which, by experience, they had found both eaſie and ſafe. To which, if we add, that Monarchy being ſimple, and moſt obvious to Men, whom neither experience had inſtructed in Forms of Government, nor the Ambition or Inſolence of Empire had taught to beware of the Encroachments of Prerogative, or the Inconveniencies of Abſolute Power; which Monarchy, in Succeſſion, was apt to lay claim to, and bring upon them. It was not at all ſtrange, that they ſhould not much trouble themſelves to think of methods of reſtraining any Exorbitances of thoſe, to whom they had given the Authority over them; and of ballancing the Power of Government, by placing ſeveral parts of it in different hands. They had neither felt the Oppreſſion of Tyrannical Dominion, nor did the Faſhion of the Age, nor their Poſſeſſions, or way of living, which afforded little matter for Covetouſneſs or Ambition; give them any reaſon to apprehend or provide againſt it; and therefore 'tis no wonder they put themſelves into ſuch a Frame of Govern-

ment, as was, not only, as I ſaid, moſt obvious and ſimple, but alſo beſt ſuited to their preſent State and Condition; which ſtood more in need of defence againſt foreign Invaſions and Injuries, than of multiplicity of Laws, where there was but very little Property: and wanted not variety of Rulers and abundance of Officers to direct and look after their Execution, where there were but few Treſpaſſes, and few Offenders. Since then, thoſe who liked one another ſo well as to join into Society, cannot but be ſuppoſed to have ſome Acquaintance and Friendſhip together, and ſome Truſt one in another. They could not but have greater Apprehenſions of others, than of one another; and therefore their firſt care and thought cannot but be ſuppoſed to be how to ſecure themſelves againſt foreign Force. 'Twas natural for them to put themſelves under a Frame of Government, which might beſt ſerve to that end; and chuſe the wiſeſt and braveſt Man to conduct them in their Wars, and lead them out againſt their Enemies, and in this chiefly be their Ruler.

108. Thus we ſee that the Kings of the *Indians*, in *America*, which is ſtill a Pattern of the firſt Ages in *Aſia* and *Europe*, whilſt the Inhabitants were too few for the

the Countrey, and want of People and Money gave Men no temptation to enlarge their Poſſeſſions of Land, or conteſt for wider extent of Ground; are little more than Generals of their Armies: and though they command abſolutely in War, yet at home, and in time of Peace, they exerciſe very little Dominion, and have but a very moderate Sovereignty; the Reſolutions of Peace and War, being ordinarily either in the People, or in a Council. Though the War it ſelf, which admits not of Pluralities of Governours, naturally devolves the Command into the King's ſole Authority.

109. And thus in *Iſrael* it ſelf, the chief Buſineſs of their Judges, and firſt Kings, ſeems to have been to be Captains in War, and Leaders of their Armies; which, (beſides what is ſignified by, *going out and in before the People*, which was, to march forth to War, and home again in the Heads of their Forces) appears plainly in the ſtory of *Jephtha*. The *Ammonites* making War upon *Iſrael*, the *Gileadites*, in fear, ſend to *Jephtha*, a Baſtard of their Family, whom they had caſt off, and article with him, if he will aſſiſt them againſt the *Ammonites*, to make him their Ruler; which they do in theſe Words, *And the People made him head and captain over*

over them, *Judg.* 11. 11. which was, as it seems, all one as to be Judge. *And he judged Israel*, *Judg.* 12. 7. that is, was their Captain-general, *six Years*. So when *Jotham* upbraids the *Shechemites* with the Obligation they had to *Gideon*, who had been their Judge and Ruler, he tells them, *He fought for you, and adventured his life far, and delivered you out of the hands of Midian*, *Judg.* 9. 17. Nothing mentioned of him, but what he did as a General, and indeed, that is all is found in his History, or in any of the rest of the Judges. And *Abimelech* particularly is called King, though at most he was but their General. And when, being weary of the ill Conduct of *Samuel's* Sons, the Children of *Israel* desired a King, *like all the nations to judge them, and to go out before them, and to fight their battels*, 1 *Sam.* 8. 20. God granting their Desire, says to *Samuel*, *I will send thee a man, and thou shalt anoint him to be captain over my people Israel that he may save my people out of the hands of the Philistines*, c. 9. v. 16. As if the only business of a King had been to lead out their Armies, and fight in their Defence; and, accordingly, at his Inauguration, pouring a Vial of Oyl upon him, declares to *Saul*, that, *the Lord had anointed him to be Captain over his inheritance*, c. 10. v. 1. And therefore those

those, who after *Saul*'s being solemnly chosen, and saluted King by the *Tribes*, at *Mispah*, were unwilling to have him their King, make no other Objection but this, *How shall this man save us? v.* 27. as if they should have said, This Man is unfit to be our King, not having Skill and Conduct enough in War, to be able to defend us. And when God resolved to transfer the Government to *David*, it is in these Words, *But now thy Kingdom shall not continue: the Lord hath sought him a man after his own heart, and the Lord hath commanded him to be captain over his people, c.* 13. *v.* 14. As if the whole Kingly Authority were nothing else but to be their General: and therefore the *Tribes* who had stuck to *Saul*'s Family, and opposed *David*'s Reign, when they came to *Hebron* with terms of Submission to him, they tell him, amongst other Arguments they had to submit to him as to their King, That he was, in effect, their King in *Saul*'s time, and therefore, they had no reason but to receive him as their King now. *Also* (say they) *in time past, when Saul was King over us, thou wast he that leddest out and broughtest in Israel, and the Lord said unto thee, thou shalt feed my People Israel, and thou shalt be a Captain over Israel.*

110. Thus

110. Thus, whether a Family, by degrees, grew up into a Commonwealth, and the Fatherly Authority being continued on to the elder Son, every one in his turn growing up under it, tacitly submitted to it, and the easiness and equality of it not offending any one, every one acquiesced, till time seemed to have confirmed it, and setled a right of Succession, by Prescription: or whether several Families, or the Descendants of several Families, whom Chance, Neighbourhood, or Business brought together, united into Society; the need of a General, whose Conduct might defend them against their Enemies in War, and the great confidence the Innocence and Sincerity of that poor but vertuous Age, such as are almost all those which begin Governments that ever come to last in the World, gave Men one of another, made the first Beginners of Commonwealths generally put the Rule into one Man's hand, without any other express Limitation or Restraint, but what the Nature of the thing, and the End of Government required. It was given them for the publick Good and Safety, and to those Ends in the Infancies of Commonwealths, they commonly used it, and unless they had done so, young Societies could not have subsisted; without such nursing

nursing Fathers: without this care of the Governours, all Governments would have sunk under the Weakness and Infirmities of their Infancy, the Prince and the People had soon perished together.

111. But the golden Age (tho' before vain Ambition, and *amor sceleratus habendi*, evil Concupiscence had corrupted Mens minds into a Mistake of true Power and Honour) had more Virtue, and consequently, better Governours, as well as less vicious Subjects; and there was then no stretching Prerogative on the one side to oppress the People; nor, consequently, on the other, any Dispute about Priviledge, to lessen or restrain the Power of the Magistrate: and so no contest betwixt Rulers and People, about Governours or Government. Yet, when Ambition, and Luxury, in future Ages, would retain, and increase the Power, without doing the Business, for which it was given,

At first, when some certain kind of Regiment was once approved, it may be, nothing was then further thought upon, for the manner of governing, but all permitted unto their Wisdom, and by experience, they found this for all parts very inconvenient, so as the thing, which they had devised for a Remedy, did indeed but increase the Sore, which it should have cured. They saw, that to live by one Man's Will, became the cause of all Mens misery. This constrained them to come unto Laws wherein all Men might see their Duty beforehand, and know the Penalties of transgressing them. Hooker's Eccl. Pol. l. 1. §. 10.

Diversion, which were to Rule, till,

and

and aided by Flattery, taught Princes to have distinct and separate Interests, from their People; Men found it necessary to examine, more carefully, the Original and Rights of Government; and to find out ways to restrain the Exorbitances, and prevent the Abuses of that Power, which they having intrusted in another's hands, only for their own good, they found, was made use of to hurt them.

112. Thus we may see how probable it is, that People, that were naturally free, and, by their own consent, either submitted to the Government of their Father, or united together, out of different Families, to make a Government; should generally put the Rule into one Man's hands, and chuse to be under the Conduct of a single Person; without so much, as by express Conditions, limiting or regulating his Power, which they thought safe enough in his Honesty and Prudence. Though they never dream'd of Monarchy being *Jure Divino*, which we never heard of among Mankind, till it was revealed to us by the Divinity of this last Age; nor ever allowed Paternal Power to have a right to Dominion, or to be the Foundation of all Government. And thus much may suffice to shew, that, as far as we have any light from History, we have

reason

reaſon to conclude, that all peaceful beginnings of Government have been laid in the Conſent of the People. I ſay *peaceful*, becauſe I ſhall have occaſion, in another place, to ſpeak of Conqueſt, which ſome eſteem a way of beginning of Governments.

The other Objection, I find, urged againſt the beginning of Polities, in the way I have mentioned, is this, viz.

113. *That all Men being born under Government, ſome or other, it is impoſſible any of them ſhould ever be free, and at liberty, to unite together, and begin a new one, or ever be able to erect a lawful Government.* If this Argument be good; I ask, how came ſo many lawful Monarchies into the World? For if any body, upon this ſuppoſition, can ſhew me any one Man, in any Age of the World, free to begin a lawful Monarchy; I will be bound to ſhew him Ten other free Men at liberty, at the ſame time, to unite and begin a new Government under a Regal, or any other Form. It being demonſtration, that if any one, born under the Dominion of another, may be ſo free, as to have a right to command others, in a new and diſtinct Empire; every one that is born under the Dominion of

of another may be ſo free too, and may become a Ruler, or Subject, of a diſtinct ſeparate Government. And ſo by this their own Principle, either all Men however born are free, or elſe there is but one lawful Prince, one lawful Government in the World. And then they have nothing to do but barely to ſhew us which that is. Which when they have done, I doubt not but all Mankind will eaſily agree to pay obedience to him.

114. Though it be a ſufficient Anſwer to their Objection to ſhew, that it involves them in the ſame difficulties that it doth thoſe they uſe it againſt; yet I ſhall endeavour to diſcover the weakneſs of this Argument a little farther.

All men, ſay they, *are born under Government, and therefore they cannot be at liberty to begin a new one. Every one is born a Subject to his Father, or his Prince, and is therefore under the perpetual tie of Subjection and Allegiance.* 'Tis plain, Mankind never owned nor conſidered any ſuch natural ſubjection that they were born in, to one or to the other, that tied them, without their own conſents, to a ſubjection to them and their Heirs.

115. For there are no Examples ſo frequent in Hiſtory, both ſacred and prophane, as thoſe of Men withdrawing themſelves,

themſelves, and their Obedience, from the Juriſdiction they were born under, and the Family or Community they were bred up in, and ſetting up new Governments in other places, from whence ſprang all that number of petty Commonwealths in the beginning of Ages, and which always multiplied as long as there was room enough, till the ſtronger, or more fortunate ſwallow'd the weaker; and thoſe great ones again breaking to pieces, diſſolved into leſſer Dominions. All which are ſo many teſtimonies againſt paternal Soveraignty, and plainly prove, That it was not the natural right of the Father deſcending to his Heirs, that made Governments in the beginning; ſince it was impoſſible, upon that ground, there ſhould have been ſo many little Kingdoms, but only one univerſal Monarchy, if Men had not been at liberty to ſeparate themſelves from their Families and their Government, be it what it will that was ſet up in it, and go and make diſtinct Commonwealths and other Governments as they thought fit.

116. This has been the practice of the World from its firſt beginning to this day: nor is it now any more hindrance to the freedom of Mankind, that they are born under conſtituted and ancient Polities,

that have eſtabliſhed Laws and ſet Forms of Government, than if they were born in the Woods, amongſt the unconfined Inhabitants that run looſe in them. For thoſe whowould perſwade us, that by being born under any Government, we are naturally Subjects to it, and have no more any title or pretence to the freedom of the ſtate of Nature, have no other reaſon (bating that of Paternal Power, which we have already anſwer'd) to produce for it, but only becauſe our Fathers or Progenitors paſſed away their natural Liberty, and thereby bound up themſelves and their Poſterity to a perpetual ſubjection to the Government, which they themſelves ſubmitted to. 'Tis true, that whatever Engagements or Promiſes any one made for himſelf, he is under the obligation of them, but cannot by any Compact whatſoever, bind his Children or Poſterity. For his Son, when a Man, being altogether as free as the Father, any act of the Father can no more give away the liberty of the Son, than it can of any body elſe. He may indeed annex ſuch Conditions to the Land he enjoyed, as a Subject of any Commonwealth, as may oblige his Son to be of that Community, if he will enjoy thoſe Poſſeſſions which were his Fathers; becauſe that Eſtate being his Fathers Property,

perty, he may diſpoſe or ſettle it as he pleaſes.

117. And this has generally given the occaſion to the miſtake in this matter; becauſe Commonwealths not permitting any part of their Dominions to be diſmembred, nor to be enjoyed by any but thoſe of their Community, the Son cannot ordinarily enjoy the Poſſeſſions of his Father, but under the ſame Terms his Father did; by becoming a Member of the Society; whereby he puts himſelf preſently under the Government, he finds there eſtabliſhed, as much as any other Subject of that Commonweal. And thus the Conſent of Free-men, born under Government, which only makes them Members of it, being given ſeparately in their turns, as each comes to be of Age, and not in a multitude together; People take no notice of it, and thinking it not done at all, or not neceſſary, conclude they are naturally Subjects as they are Men.

118. But, 'tis plain, Governments themſelves underſtand it otherwiſe; they claim no Power over the Son, becauſe of that they had over the Father; nor look on Children as being their Subjects, by their Fathers being ſo. If a Subject of *England* have a Child, by an *Engliſh* Woman, in *France*, whoſe Subject is he? Not the

King of *England*'s; for he must have leave to be admitted to the Priviledges of it. Nor the King of *France*'s; for how then has his Father a liberty to bring him away, and breed him as he pleases: and who ever was judged as a Traytor or Deserter, if he left, or warr'd against a Countrey, for being barely born in it of Parents that were Aliens there? 'Tis plain then, by the Practice of Governments themselves, as well as by the Law of right Reason, that a Child is born a Subject of no Country nor Government. He is under his Father's Tuition and Authority, till he come to Age of Discretion; and then he is a Free-man, at liberty what Government he will put himself under; what Body Politick he will unite himself to. For if an *English-Man*'s Son, born in *France*, be at liberty, and may do so, 'tis evident there is no Tye upon him, by his Father's being a Subject of that Kingdom; nor is he bound up, by any Compact of his Ancestors: and why then hath not his Son, by the same reason, the same liberty, though he be born any where else! Since the Power that a Father hath naturally, over his Children, is the same, where-ever they be born; and the Ties of natural Obligations, are not bounded by the positive Limits of Kingdoms and Commonwealths. 119. Every

119. Every Man being, as has been ſhewed, naturally free, and nothing being able to put him into ſubjection to any earthly Power, but only his own Conſent: It is to be conſidered, what ſhall be underſtood to be a ſufficient Declaration of a Man's Conſent, to make him ſubject to the Laws of any Government. There is a common diſtinction of an expreſs, and a tacit Conſent; which will concern our preſent Caſe. No body doubts but an expreſs Conſent, of any Man, entering into any Society, makes him a perfect Member of that Society, a Subject of that Government. The difficulty is, what ought to be look'd upon as a tacit Conſent, and how far it binds, *i. e.* how far any one ſhall be looked on to have conſented, and thereby ſubmitted to any Government, where he has made no Expreſſions of it at all. And to this I ſay, that every Man, that hath any Poſſeſſion, or Enjoyment, of any part of the Dominions of any Government, doth thereby give his tacit Conſent, and is as far forth obliged to Obedience to the Laws of that Government, during ſuch Enjoyment, as any one under it; whether this his Poſſeſſion be of Land, to him and his Heirs for ever, or a Lodging only for a Week; or whether it be barely travelling freely on the High-

way; and, in Effect, it reaches as far as the very being of any one within the Territories of that Government.

120. To understand this the better, it is fit to consider, that every Man, when he, at first, incorporates himself into any Commonwealth, he, by his uniting himself thereunto, annexed also, and submits to the Community those Possessions, which he has, or shall acquire, that do not already belong to any other Government. For it would be a direct Contradiction, for any one, to enter into Society with others for the securing and regulating of Property: and yet to suppose his Land, whose Property is to be regulated by the Laws of the Society, should be exempt from the Jurisdiction of that Government, to which he himself, and the Property of the Land, is a Subject. By the same Act therefore, whereby any one unites his Person, which was before free, to any Commonwealth; by the same he unites his Possessions, which were before free, to it also; and they become, both of them, Person and Possession, subject to the Government and Dominion of that Commonwealth, as long as it hath a being. Who-ever therefore, from thenceforth, by Inheritance, purchases Permission, or otherwise enjoys any part of the Land, so annext to, and under the Govern-

Government of that Commonweal, must take it with the Condition it is under; that is, of submitting to the Government of the Commonwealth, under whose Jurisdiction it is, as far forth, as any Subject of it.

121. But since the Government has a direct Jurisdiction only over the Land, and reaches the Possessor of it, (before he has actually incorporated himself in the Society) only as he dwells upon, and enjoys that: the Obligation any one is under, by Virtue of such Enjoyment, to submit to the Government, begins and ends with the Enjoyment; so that when-ever the Owner, who has given nothing but such a tacit Consent, to the Government, will, by Donation, Sale, or otherwise, quit the said Possession: He is at liberty to go and incorporate himself into any other Commonwealth, or agree with others to begin a new one, *in vacuis locis*, in any part of the World they can find free and unpossessed: whereas he that has once, by actual Agreement, and any express Declaration, given his Consent to be of any Commonweal, is perpetually and indispensably obliged to be, and remain unalterably a Subject to it, and can never be again in the liberty of the state of Nature; unless, by any Calamity, the Government, he was under, comes to be dissolved.

122. But ſubmitting to the Laws of any Countrey; living quietly, and enjoying Priviledges and Protection under them, makes not a Man a Member of that Society; 'tis only a local Protection and Homage due to, and from all thoſe, who, not being in a ſtate of War, come within the Territories belonging to any Government, to all parts whereof the force of its Law extends. But this no more makes a Man a Member of that Society, a perpetual Subject of that Commonwealth; than it would make a Man a Subject to another in whoſe Family he found it convenient to abide for ſome time; though, whilſt he continued in it, he were obliged to comply with the Laws, and ſubmit to the Government he found there. And thus we ſee, that Foreigners, by living all their Lives under another Government, and enjoying the Priviledges and Protection of it, though they are bound, even in Conſcience, to ſubmit to its Adminiſtration, as far forth as any Deniſon; yet do not thereby come to be Subjects or Members of that Commonwealth. Nothing can make any Man ſo, but his actually entering into it by poſitive Engagement, and expreſs Promiſe and Compact. This is that, which I think, concerning the beginning of Political Societies, and that Conſent

ſent which makes any one a Member of any Commonwealth.

CHAP. IX.

Of the Ends of Political Society and Government.

123. IF Man in the ſtate of Nature be ſo free as has been ſaid; If he be abſolute Lord of his own Perſon and Poſſeſſions, equal to the greateſt, and ſubject to no Body, why will he part with his Freedom, this Empire, and ſubject himſelf to the Dominion and Controul of any other Power? To which 'tis obvious to Anſwer, that though in the ſtate of Nature he hath ſuch a right, yet the Enjoyment of it is very uncertain, and conſtantly expoſed to the Invaſion of others; for all being Kings as much as he, every Man his Equal, and the greater part no ſtrict Obſervers of Equity and Juſtice; the enjoyment of the property he has in this ſtate is very unſafe, very unſecure. This makes him willing to quit this Condition, which however free, is full of fears and continual dangers: and 'tis not without reaſon, that he ſeeks out, and is willing to join in Society with others who are already united, or

or have a mind to unite for the mutual preſervation of their Lives, Liberties and Eſtates, which I call by the general name, Property.

124. The great and chief end therefore, of Mens uniting into Commonwealths, and putting themſelves under Government, is the preſervation of their Property. To which in the ſtate of Nature there are many things wanting.

Firſt, There wants an eſtabliſh'd, ſetled, known Law, received and allowed by common conſent to be the Standard of Right and Wrong, and the common meaſure to decide all Controverſies between them. For though the Law of Nature be plain and intelligible to all rational Creatures; yet Men being biaſſed by their intereſt, as well as ignorant for want of ſtudy of it, are not apt to allow of it as a Law binding to them in the application of it to their particular Caſes.

125. *Secondly*, In the State of Nature there wants a known and indifferent Judge, with Authority to determine all differences according to the eſtabliſhed Law. For every one in that ſtate being both Judge and Executioner of the Law of Nature, Men being partial to themſelves, Paſſion and Revenge is very apt to carry them too far, and with too much heat

heat in their own Caſes, as well as negligence and unconcernedneſs, make them too remiſs in other Mens.

126. *Thirdly*, In the ſtate of Nature there often wants Power to back and ſupport the Sentence when right, and to give it due Execution. They who by any Injuſtice offended, will ſeldom fail, where they are able, by force to make good their Injuſtice; ſuch reſiſtance many times makes the puniſhment dangerous, and frequently deſtructive to thoſe who attempt it.

127. Thus Mankind, notwithſtanding all the Priviledges of the ſtate of Nature, being but in an ill condition while they remain in it, are quickly driven into Society. Hence it comes to paſs, that we ſeldom find any number of Men live any time together in this State. The inconveniencies that they are therein expoſed to, by the irregular and uncertain exerciſe of the Power every Man has of puniſhing the tranſgreſſions of others, make them take Sanctuary under the eſtabliſh'd Laws of Government, and therein ſeek the preſervation of their Property. 'Tis this makes them ſo willingly give up every one his ſingle power of puniſhing to be exerciſed by ſuch alone as ſhall be appointed to it amongſt them; and by ſuch Rules as

as the Community, or thoſe authoriſed by them, to that purpoſe ſhall agree on. And in this we have the original right and riſe of both the Legiſlative and Executive Power, as well as of the Governments and Societies themſelves.

128. For in the ſtate of Nature, to omit the liberty he has of innocent delights, a Man has two Powers. The firſt is to do whatſoever he thinks fit for the preſervation of himſelf and others within the permiſſion of the Law of Nature; by which Law, common to them all, he and all the reſt of Mankind, are one Community, make up one Society diſtinct from all other Creatures, and were it not for the corruption and vitiouſneſs of degenerate Men, there would be no need of any other, no neceſſity that Men ſhould ſeparate from this great and natural Community, and aſſociate into leſſer Combinations. The other power a Man has in the ſtate of Nature, is the power to puniſh the Crimes committed againſt that Law. Both theſe he gives up when he joins in a private, if I may ſo call it, or particular Political Society, and incorporates into any Commonwealth, ſeparate from the reſt of Mankind.

129. The firſt power, *viz.* of doing whatſoever he thought fit for the preſer-

vation

vation of himſelf, and the reſt of Mankind, he gives up to be regulated by Laws made by the Society, ſo far forth as the preſervation of himſelf and the reſt of that Society ſhall require; which Laws of the Society in many things confine the liberty he had by the Law of Nature.

130. *Secondly*, The power of puniſhing he wholly gives up, and engages his natural force, which he might before imploy in the Execution of the Law of Nature, by his own ſingle Authority, as he thought fit, to aſſiſt the Executive Power of the Society, as the Law thereof ſhall require. For being now in a new State, wherein he is to enjoy many Conveniencies from the labour, aſſiſtance and ſociety of others in the ſame Community, as well as protection from its whole ſtrength; he is to part alſo with as much of his natural liberty, in providing for himſelf, as the good, proſperity and ſafety of the Society ſhall require; which is not only neceſſary but juſt, ſince the other Members of the Society do the like.

131. But though Men when they enter into Society, give up the Equality, Liberty, and Executive Power they had in the ſtate of Nature, into the hands of the Society, to be ſo far diſpoſed of by the Legiſlative, as the good of the Society ſhall require;

quire; yet it being only with an intention in every one, the better to preſerve himſelf, his Liberty and Property. (For no rational Creature can be ſuppoſed to change his condition with an intention to be worſe) the power of the Society, or Legiſlative, conſtituted by them, can never be ſuppos'd to extend farther than the common good; but is obliged to ſecure every ones Property by providing againſt thoſe three defects above-mentioned, that made the ſtate of Nature ſo unſafe and uneaſy. And ſo whoever has the Legiſlative or ſupream Power of any Commonwealth, is bound to govern by eſtabliſh'd ſtanding Laws, promulgated and known to the People, and not by Extemporary Decrees; By indifferent and upright Judges, who are to decide Controverſies by thoſe Laws. And to imploy the force of the Community at home, only in the Execution of ſuch Laws, or abroad to prevent or redreſs Foreign Injuries, and ſecure the Community from Inroads and Invaſion. And all this to be directed to no other end, but the Peace, Safety, and publick good of the People.

CHAP.

CHAP. X.

Of the Forms of a Commonwealth.

132. THE Majority having, as has been ſhew'd, upon Mens firſt uniting into Society, the whole power of the Community, naturally in them, may imploy all that power in making Laws for the Community from time to time, and Executing thoſe Laws by Officers of their own appointing; and then the Form of the Government is a perfect Democracy: Or elſe may put the power of making Laws into the hands of a few ſelect Men, and their Heirs or Succeſſors; and then it is an Oligarchy: Or elſe into the hands of one Man, and then it is a Monarchy: If to him and his Heirs, it is an Hereditary Monarchy: If to him only for Life, but upon his Death the Power only of nominating a Succeſſor, to return to them; an Elective Monarchy. And ſo accordingly of theſe make compounded and mixed Forms of Government, as they think good. And if the Legiſlative Power be at firſt given by the Majority to one or more Perſons only for their Lives, or any limited time, and then the Supream Power to revert to them again; when it is ſo reverted, the

the Community may diſpoſe of it again a-new into what hands they pleaſe, and ſo conſtitute a new Form of Government. For the Form of Government depending upon the placing the Supream Power, which is the Legiſlative, it being impoſſible to conceive, that an inferiour Power ſhould preſcribe to a Superiour, or any but the Supream make Laws, According as the Power of making Laws is placed, ſuch is the Form of the Commonwealth.

133. By *Commonwealth*, I muſt be underſtood all along to mean, not a Democracy, or any Form of Government, but any Independent Community which the Latins ſignified by the word *Civitas*, to which the word which beſt anſwers in our Language, is Commonwealth, and moſt properly expreſſes ſuch a Society of Men, which Community does not, For there may be ſubordinate Communities in a Government; and City much leſs; and therefore to avoid ambiguity, I crave leave to uſe the word *Commonwealth* in that ſence; in which ſenſe I find the word uſed by K. *James* himſelf, which I think to be its genuine ſignification; which if any Body diſlike, I conſent with him to change it for a better.

CHAP.

CHAP. XI.

Of the Extent of the Legiſlative Power.

134. THE great end of Mens entering into Society, being the enjoyment of their Properties in Peace and Safety, and the great inſtrument and means of that being the Laws eſtabliſh'd in that Society: The firſt and fundamental poſitive Law of all Commonwealths, is the eſtabliſhing of the Legiſlative Power, as the firſt and fundamental natural Law which is to govern even the Legiſlative: It ſelf is the preſervation of the Society, and (as far as will conſiſt with the publick good) of every perſon in it. This Legiſlative is not only the ſupream power of the Commonwealth, but ſacred and unalterable in the hands where the Community have once placed it; nor can any Edict of any Body elſe, in what form ſoever conceived, or by what Power ſoever backed, have the force and obligation of a Law, which has not its Sanction from that Legiſlative which the publick has choſen and appointed: for without this the Law could not have that which is abſolutely neceſſary to its being a Law, the conſent of the Society, over whom no

The lawful Power of making Laws to Command whole Politick Societies of Men, belonging so properly unto the same intire Societies, that for any Prince or Potentate of what kind soever upon Earth, to exercise the same of himself, and not by expresse Commission, immediately and personally received from God, or else by authority derived at the first from their consent, upon whose persons they impose Laws, it is no better than meer Tyranny. Laws they are not therefore which publick approbation hath not made so. Hooker's Eccl. Pol. l. 1. §. 10. *Of this point therefore we are to note, that sith Men naturally have no full and perfect Power to Command whole politick multitudes of Men, therefore utterly without our Consent, we could in such sort be at no Mans Commandment living. And to be commanded we do consent, when that Society, whereof we be a part, hath at any time before consented, without revoking the same after by the like universal agreement.*

Laws therefore human, of what kind soever, are available by consent. Ibid.

Body can have a power to make Laws but by their own consent, and by Authority received from them; and therefore all the Obedience, which by the most solemn ties any one can be obliged to pay, ultimately, terminates in this Supream Power, and is directed by those Laws which it enacts; nor can any Oaths to any Foreign Power whatsoever, or any Domestick subordinate Power, discharge any Member of the Society from his Obedience to the Legislative, acting pursuant to their trust, nor oblige him to any Obedience contrary to the Laws so enacted, or farther than they do allow; it being ridiculous to imagine one can be tied ultimately to obey any Power in the Society which is not the Supream.

135. Though

135. Though the Legiſlative, whether placed in one or more, whether it be always in being, or only by intervals, though it be the Supream Power in every Commonwealth; yet, *Firſt*, it is not, nor can poſſibly be abſolutely Arbitrary, over the Lives and Fortunes of the People. For it being but the joint power of every Member of the Society given up to that perſon, or Aſſembly, which is Legiſlator; it can be no more than thoſe perſons had in a ſtate of Nature before they enter'd into Society, and gave it up to the Community. For no Body can transfer to another more power than he has in himſelf; and no Body has an abſolute Arbitrary Power over himſelf, or over any other, to deſtroy his own Life, or take away the Life or Property of another. A Man, as has been proved, cannot ſubject himſelf to the Arbitrary Power of another; and having in the ſtate of Nature no Arbitrary Power over the Life, Liberty, or Poſſeſſion of another, but only ſo much as the Law of Nature gave him for the preſervation of himſelf, and the reſt of Mankind; this is all he doth, or can give up to the Commonwealth, and by it to the Legiſlative Power, ſo that the Legiſlative can have no more than this. Their Power in the utmoſt bounds of it, is limited to the pub-

lick good of the Society. It is a Power that hath no other end but preſervation, and therefore can never have a right to deſtroy, enſlave, or deſignedly to impoveriſh the Subjects; the obligations of the Law of Nature ceaſe not in Society, but only in many Caſes are drawn cloſer, and have by humane Laws, known Penalties annexed to them, to inforce their obſervation. Thus the Law of Nature ſtands as an Eternal Rule to all Men, Legiſlators as well as others. The Rules that they make for other Mens actions, muſt as well as their own, and other Mens actions, be conformable to the Law of Nature, *i.e.* to the will of God, of which that is a Declaration, and the fundamental Law of Nature being the preſervation of Mankind, no humane Sanction

Two Foundations there are which bear up publick Societies, the one a natural inclination, whereby all Men deſire ſociable Life and Fellowſhip, the other an Order, expreſly or ſecretly agreed upon, touching the manner of their union in living together; the latter is that which we call the Law of a Common-weal, the very Soul of a politick Body, the parts whereof are by Law animated, held together, and ſet on work in ſuch actions as the common good requireth. Laws politick, ordain'd for external order and regiment amongſt Men, are never framed as they ſhould be, unleſs preſuming the will of Man to be inwardly obſtinate, rebellious, and averſe from all obedience to the ſacred Laws of his nature; in a word, unleſs preſuming Man to be in regard of his depraved Mind, little better than a wild Beaſt, they do accordingly provide notwithſtanding, ſo to frame his outward actions, that they be no hindrance unto the common good for which Societies are inſtituted. Unleſs they do this they are not perfect. Hooker's Ec. Pol. l. 1. §. 10.

Sanction can be good or valid againſt it.

136. *Secondly*, The Legiſlative, or Supream Authority, cannot aſſume to its ſelf a power to Rule by extemporary Arbitrary Decrees, but is bound to diſpenſe Juſtice, and decide the Rights of the Subject by promulgated ſtanding Laws, and known Authoris'd Judges. For the Law of Nature being unwritten, and ſo no where to be found but in the minds of Men, they who through Paſſion or Intereſt, ſhall miſ-cite, or miſapply it, cannot ſo eaſily be convinced of their miſtake where there is no eſtabliſh'd Judge: and ſo it ſerves not as it ought, to determine the Rights, and fence the Properties of thoſe that live under it, eſpecially where every one is Judge, Interpreter, and Executioner of it too, and that in his own Caſe: and he that has right on his ſide, having ordinarily but his own ſingle ſtrength, hath not force enough to defend himſelf from Injuries, or puniſh Delinquents. To avoid theſe Inconveniencies which diſorder

Humane Laws are meaſures in reſpect of Men whoſe actions they muſt direct, howbeit ſuch meaſures they are or have alſo their higher Rules to be meaſured by, which Rules are two, the Law of God, and the Law of Nature; ſo that Laws humane muſt be made according to the general Laws of Nature, and without contradiction to any poſitive Law of Scripture, otherwiſe they are ill made. Ibid. l. 3. §. 9.

To conſtrain Men to any thing inconvenient doth ſeem unreaſonable. Ibid. l. 1. §. 10.

Mens Properties in the ſtate of Nature, Men unite into Societies, that they may have the united ſtrength of the whole Society to ſecure and defend their Properties, and may have ſtanding Rules to bound it, by which every one may know what is his. To this end it is that Men give up all their natural power to the Society they enter into, and the Community put the Legiſlative Power into ſuch hands as they think fit, with this truſt, that they ſhall be govern'd by declared Laws, or elſe their Peace, Quiet and Property, will ſtill be at the ſame uncertainty as it was in the ſtate of Nature.

137. Abſolute Arbitrary Power, or Governing without ſetled ſtanding Laws, can neither of them conſiſt with the ends of Society and Government, which Men would not quit the freedom of the ſtate of Nature for, and tie themſelves up under, were it not to preſerve their Lives, Liberties and Fortunes; and by ſtated Rules of Right and Property to ſecure their Peace and Quiet. It cannot be ſuppos'd, that they ſhould intend, had they a power ſo to do, to give any one or more an abſolute Arbitrary Power over their Perſons and Eſtates, and put a force into the Magiſtrates hand to execute his unlimited Will arbitrarily upon them: this were to

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put themſelves into a worſe condition than the ſtate of Nature, wherein they had a Liberty to defend their Right againſt the Injuries of others, and were upon equal terms of force to maintain it, whether invaded by a ſingle Man, or many in Combination. Whereas by ſuppoſing they have given up themſelves to the abſolute Arbitrary Power and Will of a Legiſlator, they have diſarmed themſelves, and armed him to make a prey of them when he pleaſes. He being in a much worſe condition, that is expoſed to the Arbitrary Power of one Man who has the Command of 100000. than he that is expos'd to the Arbitrary Power of 100000. ſingle Men, no Body being ſecure, that his Will, who has ſuch a Command, is better than that of other Men, though his Force be 100000. times ſtronger. And therefore whatever Form the Commonwealth is under, the Ruling Power ought to govern by declared and received Laws, and not by extempory dictates and undetermin'd Reſolutions. For then Mankind will be in a far worſe condition than in the ſtate of Nature, if they ſhall have armed one or a few Men with the joint power of a multitude, to force them to obey at pleaſure the exorbitant and unlimited decrees of their ſudden thoughts, or unreſtrain'd, and till that

moment unknown Wills without having any measures set down which may guide and justifie their actions. For all the power the Government has, being only for the good of the Society, as it ought not to be Arbitrary and at Pleasure: so it ought to be exercised by established and promulgated Laws; that both the People may know their Duty, and be safe and secure within the limits of the Law, and the Rulers too kept within their due bounds, and not be tempted by the power they have in their hands to imploy it to purposes, and by such measures as they would not have known, and own not willingly.

138. *Thirdly*, The Supream Power cannot take from any Man any part of his Property without his own consent. For the preservation of Property being the end of Government, and that for which Men enter into Society, it necessarily supposes and requires, that the People should have Property, without which they must be suppos'd to lose that by entering into Society, which was the end for which they entered into it. Too gross an absurdity for any Man to own. Men therefore in Society having Property, they have such a right to the goods, which by the Law of the Community are theirs, that no Body hath a right to take them, or any part of them,

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from them, without their own consent; without this they have no Property at all. For I have truly no Property in that which another can by right take from me when he pleases, against my consent. Hence it is a mistake to think, that the Supream or Legislative Power of any Commonwealth, can do what it will, and dispose of the Estates of the Subject arbitrarily, or take any part of them at pleasure. This is not much to be fear'd in Governments where the Legislative consists wholly or in part in Assemblies which are variable, whose Members upon the dissolution of the Assembly, are Subjects under the common Laws of their Country, equally with the rest. But in Governments, where the Legislative is in one lasting Assembly, always in being, or in one Man; as in absolute Monarchies, there is danger still, that they will think themselves to have a distinct interest from the rest of the Community, and so will be apt to increase their own Riches and Power by taking what they think fit from the People. For a Mans Property is not at all secure, though there be good and equitable Laws to set the bounds of it between him and his Fellow Subjects, if he who commands those Subjects, have power to take from any private Man what part he pleases of his Property,

perty, and uſe and diſpoſe of it as he thinks good.

139. But Government into whoſeſoever hands it is put, being as I have before ſhew'd, intruſted with this condition, and for this end, that Men might have and ſecure their Properties, the Prince or Senate, however it may have power to make Laws for the regulating of Property between the Subjects one amongſt another, yet can never have a Power to take to themſelves the whole, or any part of the Subjects Property, without their own conſent. For this would be in effect to leave them no Property at all. And to let us ſee, that even abſolute Power, where it is neceſſary, is not arbitrary by being abſolute, but is ſtill limited by that reaſon, and confined to thoſe ends which required it in ſome Caſes to be abſolute, we need look no farther than the common practice of Martial Diſcipline. For the preſervation of the Army, and in it of the whole Commonwealth, requires an abſolute Obedience to the Command of every ſuperiour Officer, and it is juſtly Death to diſobey or diſpute the moſt dangerous or unreaſonable of them; but yet we ſee, that neither the Serjeant that could command a Souldier to march up to the mouth of a Cannon, or ſtand in a Breach where he

he is almoſt ſure to periſh; can command that Souldier to give him one penny of his money: nor the General that can condemn him to Death for deſerting his Poſt, or not obeying the moſt deſperate Orders, cannot yet with all his abſolute Power of Life and Death, diſpoſe of one Farthing of that Souldiers Eſtate, or ſeize one jot of his Goods; whom yet he can command any thing, and hang for the leaſt diſobedience. Becauſe ſuch a blind Obedience is neceſſary to that end for which the Commander has his Power, *viz.* the preſervation of the reſt, but the diſpoſing of his goods has nothing to do with it.

140. 'Tis true, Governments cannot be ſupported without great Charge, and 'tis fit every one who enjoys his ſhare of the Protection, ſhould pay, out of his Eſtate, his proportion for the maintenance of it. But ſtill it muſt be with his own Conſent, *i. e.* the Conſent of the Majority, giving it either by themſelves, or their Repreſentatives choſen by them; for if any one ſhall claim a Power to lay and levy Taxes on the People, by his own Authority, and without ſuch conſent of the People, he thereby invades the Fundamental Law of Property, and ſubverts the end of Government. For what property have I in that which another may by right take when he pleaſes to himſelf. 141.

141. *Fourthly*, The Legiſlative cannot transfer the Power of making Laws to any other hands, for it being but a delegated Power from the People, they who have it cannot paſs it over to others. The People alone can appoint the Form of the Commonwealth, which is by Conſtituting the Legiſlative, and appointing in whoſe hands that ſhall be. And when the People have ſaid, We will ſubmit, and be govern'd by Laws made by ſuch Men, and in ſuch Forms; no Body elſe can ſay other Men ſhall make Laws for them: nor can they be bound by any Laws but ſuch as are Enacted by thoſe whom they have Choſen, and Authoriſed to make Laws for them.

142. Theſe are the Bounds which the truſt that is put in them by the Society, and the Law of God and Nature, have ſet to the Legiſlative Power of every Commonwealth, in all Forms of Government: Firſt, They are to govern by promulgated eſtabliſh'd Laws, not to be varied in particular Caſes, but to have one Rule for Rich and Poor, for the Favourite at Court, and the Country Man at Plough. Secondly, Theſe Laws alſo ought to be deſigned for no other end ultimately but the good of the People. Thirdly, They muſt not raiſe Taxes on the Property of the

the People, without the Consent of the People, given by themselves, or their Deputies. And this properly concerns only such Governments where the Legislative is always in being, or at least where the People have not reserv'd any part of the Legislative to Deputies, to be from time to time chosen by themselves. Fourthly, Legislative neither must nor can transfer the Power of making Laws to any Body else, or place it any where but where the People have.

CHAP. XII.

Of the Legislative, Executive, and Federative Power of the Commonwealth.

143. THE Legislative Power is that which has a right to direct how the Force of the Commonwealth shall be imploy'd for preserving the Community and the Members of it. Because those Laws which are constantly to be Executed, and whose Force is always to continue, may be made in a little time; therefore there is no need that the Legislative should be always in being, not having always business to do. And because it may be too great temptation to humane frailty,

frailty, apt to graſp at Power, for the ſame Perſons who have the Power of making Laws, to have alſo in their hands the power to execute them, whereby they may exempt themſelves from Obedience to the Laws they make, and ſuit the Law, both in its making and execution, to their own private advantage, and thereby come to have a diſtinct intereſt from the reſt of the Community, contrary to the end of Society and Government. Therefore in well order'd Commonwealths, where the good of the whole is ſo conſidered as it ought, the Legiſlative Power is put into the hands of divers Perſons, who duly Aſſembled, have by themſelves, or jointly with others, a Power to make Laws, which when they have done, being ſeparated again, they are themſelves ſubject to the Laws they have made; which is a new and near tie upon them to take care that they make them for the publick good.

144. But becauſe the Laws that are at once, and in a ſhort time made, have a conſtant and laſting force, and need a perpetual Execution, or an attendance thereunto: Therefore 'tis neceſſary there ſhould be a Power always in being, which ſhould ſee to the Execution of the Laws that are made, and remain in force. And thus

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the Legislative and Executive Power come often to be separated.

145. There is another Power in every Commonwealth, which one may call natural, because it is that which answers to the Power every Man naturally had before he entered into Society. For though in a Commonwealth the Members of it are distinct Persons still in reference to one another, and as such are governed by the Laws of the Society; yet in reference to the rest of Mankind, they make one Body, which is, as every Member of it before was, still in the state of Nature with the rest of Mankind: so that the Controversies that happen between any Man of the Society with those that are out of it, are managed by the publick; and an injury done to a Member of their Body, engages the whole in the reparation of it. So that under this consideration, the whole Community is one Body in the state of Nature, in respect of all other States or Persons out of its Community.

146. This therefore contains the Power of War and Peace, Leagues and Alliances, and all the Transactions, with all Persons and Communities without the Commonwealth, and may be called Federative, if any one pleases. So the thing be understood, I am indifferent as to the name.

147. These

147. These two Powers, Executive and Federative, though they be really distinct in themselves, yet one comprehending the Execution of the Municipal Laws of the Society within its self, upon all that are parts of it; the other the management of the security and interest of the publick without, with all those, that it may receive benefit or damage from, yet they are always almost united. And though this Federative Power in the well or ill management of it be of great moment to the Commonwealth, yet it is much less capable to be directed by antecedent, standing, positive Laws, than the Executive; and so must necessarily be left to the Prudence and Wisdom of those whose hands it is in, to be managed for the publick good. For the Laws that concern Subjects one amongst another, being to direct their actions, may well enough precede them. But what is to be done in reference to Foreigners, depending much upon their actions, and the variation of designs and interests must be left in great part to the Prudence of those who have this Power committed to them, to be managed by the best of their Skill for the advantage of the Commonwealth.

148. Though, as I said, the Executive and Federative Power of every Community

nity be really distinct in themselves, yet they are hardly to be separated and placed at the same time in the hands of distinct Persons. For both of them requiring the force of the Society for their exercise, it is almost impracticable to place the Force of the Commonwealth in distinct, and not subordinate hands; or that the Executive and Federative Power should be placed in Persons that might act separately, whereby the Force of the publick would be under different Commands, which would be apt sometime or other to cause disorder and ruin.

CHAP. XIII.

Of the Subordination of the Powers of the Commonwealth.

149. THough in a Constituted Commonwealth, standing upon its own Basis, and acting according to its own nature, that is, acting for the preservation of the Community, there can be but one Supream Power, which is the Legislative, to which all the rest are and must be subordinate, yet the Legislative being only a Fiduciary Power to act for certain ends, there remains still in the People a

Supream Power to remove or alter the Legiſlative, when they find the Legiſlative act contrary to the truſt repoſed in them. For all Power given with truſt for the attaining an end, being limited by that end, when ever that end is manifeſtly neglected, or oppoſed, the truſt muſt neceſſarily be forfeited, and the Power devolve into the hands of thoſe that gave it, who may place it a-new where they ſhall think beſt for their ſafety and ſecurity. And thus the Community perpetually retains a Supream Power of ſaving themſelves from the attempts and deſigns of any Body, even of their Legiſlators, whenever they ſhall be ſo fooliſh, or ſo wicked, as to lay and carry on deſigns againſt the Liberties and Properties of the Subject. For no Man or Society of Men, having a Power to deliver up their Preſervation, or conſequently the means of it, to the abſolute Will, and arbitrary Dominion of another; when ever any one ſhall go about to bring them into ſuch a Slaviſh Condition, they will always have a right to preſerve what they have not a Power to part with; and to rid themſelves of thoſe who invade this Fundamental, Sacred, and unalterable Law of Self-Preſervation, for which they enter'd into Society. And thus the Community may be ſaid in this reſpect, to be always

always the Supream Power, but not as conſidered under any Form of Government, becauſe this Power of the People can never take place till the Government be diſſolv'd.

150. In all Caſes, whilſt the Government ſubſiſts, the Legiſlative is the ſupream Power. For what can give Laws to another muſt needs be ſuperiour to him; and ſince the Legiſlative is no otherwiſe Legiſlative of the Society, but by the right it has to make Laws for all the parts, and every Member of the Society preſcribing Rules to their actions, and giving power of Execution where they are tranſgreſſed, the Legiſlative muſt needs be the Supream, and all other Powers in any Members or parts of the Society, derived from and ſubordinate to it.

151. In ſome Commonwealths where the Legiſlative is not always in being, and the Executive is veſted in a ſingle Perſon, who has alſo a ſhare in the Legiſlative; there that ſingle Perſon in a very tolerable ſenſe may alſo be called Supream; not that he has in himſelf all the Supream Power, which is that of Law-making: but becauſe he has in him the ſupream Execution, from whom all inferiour Magiſtrates derive all their ſeveral ſubordinate Powers, or at leaſt the greateſt part of

them; having alſo no Legiſlative ſuperiour to him, there being no Law to be made without his conſent, which cannot be expected ſhould ever ſubject him to the other part of the Legiſlative, he is properly enough in this ſenſe Supream. But yet it is to be obſerved, that though Oaths of Allegiance and Fealty are taken to him, 'tis not to him as Supream Legiſlator, but as Supream Executor of the Law, made by a joint Power of him with others; Allegiance being nothing but an Obedience according to Law, which when he violates, he has no right to Obedience, nor can claim it otherwiſe than as the publick Perſon veſted with the Power of the Law, and ſo is to be conſider'd as the Image, Phantom, or Repreſentative of the Commonwealth, acted by the will of the Society, declared in its Laws; and thus he has no Will, no Power, but that of the Law. But when he quits this Repreſentation, this publick Will, and acts by his own private Will, he degrades himſelf, and is but a ſingle private Perſon without Power, and without Will. The Members owing no Obedience but to the publick Will of the Society.

152. The Executive Power placed any where but in a Perſon that has alſo a ſhare in the Legiſlative, is viſibly ſubordinate and accountable to it, and may be at pleaſure changed

changed and displaced; so that it is not the Supream Executive Power that is exempt from Subordination, but the Supream Executive Power vested in one, who having a share in the Legislative, has no distinct superiour Legislative to be subordinate and accountable to, farther than he himself shall join and consent, so that he is no more subordinate than he himself shall think fit, which one may certainly conclude will be but very little. Of other Ministerial and subordinate Powers in a Commonwealth, we need not speak, they being so multiply'd with infinite variety in the different Customs and Constitutions of distinct Commonwealths, that it is impossible to give a particular account of them all. Only thus much which is necessary to our present purpose we may take notice of concerning them, that they have no manner of Authority any of them, beyond what is by positive Grant and Commission delegated to them, and are all of them accountable to some other Power in the Commonwealth.

153. It is not necessary, no nor so much as convenient, that the Legislative should be always in being. But absolutely necessary, that the Executive Power should, because there is not always need of new Laws to be made, but always need of Execution of the Laws that are made. When

the Legiſlative hath put the Execution of the Laws they make into other hands, they have a power ſtill to reſume it out of thoſe hands when they find cauſe, and to puniſh for any mall-adminiſtration againſt the Laws. The ſame holds alſo in regard of the Federative Power, that and the Executive being both Miniſterial and ſubordinate to the Legiſlative, which as has been ſhew'd in a Conſtituted Commonwealth, is the Supream. The Legiſlative alſo in this Caſe being ſuppos'd to conſiſt of ſeveral Perſons; for if it be a ſingle Perſon, it cannot but be always in being, and ſo will as Supream, naturally have the Supream Executive Power, together with the Legiſlative, may aſſemble and exerciſe their Legiſlative, at the times that either their original Conſtitution, or their own Adjournment appoints, or when they pleaſe; if neither of theſe hath appointed any time, or there be no other way preſcribed to convoke them. For the Supream Power being placed in them by the People, 'tis always in them, and they may exerciſe it when they pleaſe, unleſs by their original Conſtitution, they are limited to certain Seaſons, or by an Act of their Supream Power, they have Adjourned to a certain time, and when that time comes, they have a right to Aſſemble and act again. 154. If

154. If the Legiſlative, or any part of it be of Repreſentatives, choſen for that time by the People, which afterwards return into the ordinary ſtate of Subjects, and have no ſhare in the Legiſlature but upon a new choice, this power of chuſeing muſt alſo be exerciſed by the People, either at certain appointed Seaſons, or elſe when they are ſummon'd to it; and in this latter Caſe, the power of convokeing the Legiſlative, is ordinarily placed in the Executive, and has one of theſe two limitations in reſpect of time: That either the Original Conſtitution requires their Aſſembling and acting at certain intervals, and then the Executive Power does nothing but Miniſterially iſſue directions for their Electing and Aſſembling, according to due Forms: Or elſe it is left to his Prudence to call them by new Elections, when the occaſions or exigencies of the publick require the amendment of old, or making of new Laws, or the redreſs or prevention of any inconveniencies that lye on, or threaten the People.

155. It may be demanded here, what if the Executive Power, being poſſeſſed of the force of the Commonwealth, ſhall make uſe of that force to hinder the meeting and acting of the Legiſlative, when the original Conſtitution, or the publick

Exigencies require it? I ſay uſing Force upon the People, without Authority, and contrary to the Truſt put in him that does ſo, is a ſtate of War with the People, who have a right to reinſtate their Legiſlative in the Exerciſe of their Power. For having erected a Legiſlative with an intent they ſhould exerciſe the Power of making Laws, either at certain ſet times, or when there is need of it; when they are hinder'd by any force from what is ſo neceſſary to the Society, and wherein the ſafety and preſervation of the People conſiſts, the People have a right to remove it by force. In all ſtates and conditions the true remedy of Force without Authority, is to oppoſe Force to it. The uſe of Force without Authority, always puts him that uſes it into a ſtate of War, as the Aggreſſor, and renders him liable to be treated accordingly.

156. The Power of Aſſembling, and diſmiſſing the Legiſlative, placed in the Executive, gives not the Executive a ſuperiority over it, but is a Fiduciary Truſt placed in him for the ſafety of the People, in a Caſe where the uncertainty and variableneſs of humane affairs could not bear a ſteady fixed rule. For it not being poſſible, that the firſt Framers of the Government, ſhould by any foreſight, be ſo much

Maſters

Maſters of future Events, as to be able to prefix ſo juſt periods of return and duration to the Aſſemblies of the Legiſlative, in all times to come, that might exactly anſwer all the Exigences of the Commonwealth; the beſt remedy could be found for this defect, was to truſt this to the prudence of one who was always to be preſent, and whoſe buſineſs it was to watch over the publick good. Conſtant frequent meetings of the Legiſlative, and long Continuations of their Aſſemblies, without neceſſary occaſion, could not but be burthenſome to the People, and muſt neceſſarily in time produce more dangerous inconveniencies, and yet the quick turn of affairs, might be ſometimes ſuch as to need their preſent help: any delay of their Convening might endanger the publick, and ſometimes too their buſineſs might be ſo great, that the limited time of their ſitting might be too ſhort for their work, and rob the publick of that benefit which could be had only from their mature deliberation. What then could be done in this Caſe to prevent the Community from being expoſed ſometime or other to eminent hazard on one ſide, or the other, by fixed intervals and periods, ſet to the meeting and acting of the Legiſlative. But to intruſt it to the prudence

of

of ſome, who being preſent, and acquainted with the ſtate of publick affairs, might make uſe of this Prerogative for the publick good? And where elſe could this be ſo well placed as in his hands who was intruſted with the Execution of the Laws for the ſame end? Thus ſuppoſing the regulation of times for the Aſſembling and Sitting of the Legiſlative, not ſetled by the original Conſtitution, it naturally fell into the hands of the Executive; not as an Arbitrary Power depending on his good pleaſure, but with this truſt always to have it exerciſed only for the publick Weal, as the Occurrences of times and change of affairs might require. Whether ſetled periods of their Convening, or a liberty left to the Prince for Convoking the Legiſlative, or perhaps a mixture of both, hath the leaſt inconvenience attending it, 'tis not my buſineſs here to inquire, but only to ſhew, that though the Executive Power may have the Prerogative of Convoking and diſſolving ſuch Conventions of the Legiſlative, yet it is not thereby ſuperiour to it.

157. Things of this World are in ſo conſtant a Flux, that nothing remains long in the ſame State. Thus People, Riches, Trade, Power, change their Stations; flouriſhing mighty Cities come to ruine,

ruine, and prove in time neglected desolate Corners, whilst other unfrequented places grow into populous Countries, fill'd with Wealth and Inhabitants. But things not always changing equally, and private interest often keeping up Customs and Priviledges when the reasons of them are ceased, it often comes to pass, that in Governments, where part of the Legislative consists of Representatives chosen by the People, that in tract of time, this Representation becomes very unequal and disproportionate to the reasons it was at first establish'd upon. To what gross absurdities the following of Custom when Reason has left it may lead, we may be satisfied when we see the bare name of a Town, of which there remains not so much as the ruins, where scarce so much Housing as a Sheepcoat, or more Inhabitants than a Shepherd is to be found, send as many Representatives to the grand Assembly of Law-makers, as a whole County numerous in People, and powerful in riches. This Strangers stand amazed at, and every one must confess needs a remedy. Though most think it hard to find one, because the Constitution of the Legislative being the original and supream act of the Society, antecedent to all positive Laws in it, and depending wholly on the People, no inferi-

our

our Power can alter it. And therefore the People, when the Legiſlative is once Conſtituted, having in ſuch a Government as we have been ſpeaking of, no Power to act as long as the Government ſtands; this inconvenience is thought incapable of a remedy.

158. *Salus Populi Suprema Lex*, is certainly ſo juſt and fundamental a Rule, that he who ſincerely follows it cannot dangerouſly err. If therefore the Executive, who has the Power of Convoking the Legiſlative, obſerving rather the true proportion than faſhion of Repreſentation, regulates not by old cuſtom, but true reaſon, the number of Members, in all places, that have a right to be diſtinctly repreſented, which no part of the People, however incorporated, can pretend to; but in proportion to the aſſiſtance which it affords to the publick, it cannot be judg'd to have ſet up a new Legiſlative, but to have reſtored the old and true one, and to have rectified the diſorders which ſucceſſion of time had inſenſibly as well as inevitably introduced; for it being the intereſt as well as intention of the People to have a fair and equal Repreſentative; whoever brings it neareſt to that, is an undoubted Friend to, and Eſtabliſher of the Government, and cannot miſs the Conſent and Approbation

Approbation of the Community. Prerogative being nothing but a Power in the hands of the Prince to provide for the publick good, in ſuch Caſes, which depending upon unforeſeen and uncertain Occurrences, certain and unalterable Laws could not ſafely direct. Whatſoever ſhall be done manifeſtly for the good of the People, and eſtabliſhing the Government upon its true Foundations, is, and always will be, juſt Prerogative. The Power of Erecting new Corporations, and therewith new Repreſentatives, carries with it a ſuppoſition, that in time, the meaſures of repreſentation might vary, and thoſe have a juſt right to be repreſented which before had none; and by the ſame reaſon, thoſe ceaſe to have a right, and be too inconſiderable for ſuch a priviledge which before had it. 'Tis not a Change from the preſent State which perhaps Corruption or decay has introduced, that makes an Inroad upon the Government, but the tendency of it to injure or oppreſs the People, and to ſet up one part or Party with a diſtinction from, and an unequal ſubjection of the reſt. Whatſoever cannot but be acknowledged to be of advantage to the Society and People in general, upon juſt and laſting meaſures, will always, when done, juſtify it ſelf; and whenever the People ſhall chuſe their

Repreſentatives

Repreſentatives upon juſt and undeniably equal meaſures, ſuitable to the original Frame of the Government, it cannot be doubted to be the will and act of the Society, whoever permitted or propos'd to them ſo to do.

CHAP. XIV.

Of Prerogative.

159. Where the Legiſlative and Executive Power are in diſtinct hands, as they are in all moderated Monarchies and well-framed Governments, there the good of the Society requires, that ſeveral things ſhould be left to the diſcretion of him that has the Executive Power. For the Legiſlators not being able to foreſee and provide, by Laws, for all that may be uſeful to the Community, the Executor of the Laws having the power in his hands, has by the common Law of Nature, a right to make uſe of it for the good of the Society, in many Caſes where the municipal Law has given no direction, till the Legiſlative can conveniently be Aſſembled to provide for it; nay many things there are which the Law can by no means provide for, and thoſe muſt neceſſarily

ſarily be left to the diſcretion of him that has the Executive Power in his hands, to be ordered by him as the publick good and advantage ſhall require; nay, 'tis fit that the Laws themſelves, ſhould in ſome Caſes, give way to the Executive Power, or rather to this Fundamental Law of Nature and Government, *viz.* That as much as may be, all the Members of the Society are to be preſerved. For ſince many accidents may happen wherein a ſtrict and rigid obſervation of the Laws may do harm, as not to pull down an innocent Mans Houſe to ſtop the Fire when the next to it is burning; and a Man may come ſometimes within the reach of the Law, which makes no diſtinction of Perſons, by an action that may deſerve reward and pardon. 'Tis fit the Ruler ſhould have a Power in many Caſes to mitigate the ſeverity of the Law, and pardon ſome Offenders, ſince the end of Government, being the preſervation of all as much as may be, even the guilty are to be ſpared where it can prove no prejudice to the innocent.

160. This Power to act according to diſcretion for the publick good, without the preſcription of the Law, and ſometimes even againſt it, is that which is called Prerogative; for ſince in ſome Governments the Law-making Power is not always in being,

being, and is usually too numerous, and so too slow for the dispatch requisite to Execution; and because also it is impossible to foresee, and so by Laws to provide for all accidents and necessities that may concern the publick, or make such Laws as will do no harm, if they are Executed with an inflexible rigour on all occasions, and upon all Persons that may come in their way, therefore there is a latitude left to the Executive Power, to do many things of choice which the Laws do not prescribe.

161. This Power whilst imployed for the benefit of the Community, and suitably to the trust and ends of the Government, is undoubted Prerogative, and never is questioned. For the People are very seldom, or never scrupulous or nice in the point, or questioning of Prerogative, whilst it is in any tolerable degree imploy'd for the use it was meant, that is, the good of the People, and not manifestly against it. But if there comes to be a question between the Executive Power and the People, about a thing claimed as a Prerogative; the tendency of the exercise of such Prerogative, to the good or hurt of the People, will easily decide that question.

162. It is easy to conceive, that in the Infancy of Governments, when Commonwealths

wealths differed little from Families in number of People, they differ'd from them too, but little in number of Laws: and the Governours being as the Fathers of them, watching over them for their good, the Government was almoſt all Prerogative. A few eſtabliſh'd Laws ſerved the turn, and the diſcretion and care of the Ruler ſupply'd the reſt. But when miſtake or flattery prevailed with weak Princes, to make uſe of this Power for private ends of their own, and not for the publick good, the people were fain by expreſs Laws, to get Prerogative determin'd in thoſe points wherein they found diſadvantage from it: And declared limitations of Prerogative in thoſe Caſes which they and their Anceſtors had left in the utmoſt latitude, to the Wiſdom of thoſe Princes who made no other but a right uſe of it, that is, for the good of their People.

163. And therefore they have a very wrong notion of Government, who ſay, that the People have incroach'd upon the Prerogative when they have got any part of it to be defined by poſitive Laws. For in ſo doing they have not pulled from the Prince any thing that of right belong'd to him, but only declared, that that Power which they indefinitely left in him, or his Anceſtors hands, to be exerciſed for their

good, was not a thing they intended him, when he uſed it otherwiſe. For the End of Government being the good of the Community, whatſoever alterations are made in it, tending to that end, cannot be an incroachment upon any body; ſince no body, in Government, can have a right tending to any other end. And thoſe only are incroachments which prejudice or hinder the publick good. Thoſe who ſay otherwiſe, ſpeak as if the Prince had a diſtinct and ſeparate Intereſt from the good of the Community, and was not made for it. The Root and Source from which ſpring almoſt all thoſe Evils and Diſorders, which happen in Kingly Governments. And indeed, if that be ſo, the People, under his Government, are not a Society of Rational Creatures, entered into a Community, for their mutual good, ſuch as have ſet Rulers over themſelves, to guard and promote that good; but are to be looked on as an Herd of inferiour Creatures, under the Dominion of a Maſter, who keeps them, and works them, for his own Pleaſure or Profit. If Men were ſo void of Reaſon, and brutiſh, as to enter into Society upon ſuch Terms, Prerogative might indeed be, what ſome Men would have it, an Arbitrary Power to do things hurtful to the People.

164. But

164. But ſince a Rational Creature cannot be ſuppoſed, when free, to put himſelf into Subjection to another, for his own harm: (though where he finds a good and a wiſe Ruler, he may not, perhaps, think it either neceſſary or uſeful to ſet preciſe Bounds to his Power in all things) Prerogative can be nothing but the Peoples permitting their Rulers to do ſeveral things of their own free choice, where the Law was ſilent, and ſometimes too againſt the direct Letter of the Law, for the publick good, and their acquieſcing in it when ſo done. For as a good Prince, who is mindful of the truſt put into his hands, and careful of the good of his People, cannot have too much Prerogative, that is, Power to do good: So a weak and ill Prince, who would claim that Power his Predeceſſors exerciſed, without the direction of the Law, as a Prerogative belonging to him by Right of his Office, which he may exerciſe at his pleaſure, to make or promote an Intereſt diſtinct from that of the publick, gives the People an occaſion to claim their Right, and limit that Power, which, whilſt it was exerciſed for their good, they were content ſhould be tacitly allowed.

165. And therefore he that will look into the *Hiſtory* of *England* will find that

Prerogative was always largeſt in the hands of our wiſeſt and beſt Princes: Becauſe the People obſerving the whole tendency of their Actions to be the publick good, or if any humane frailty or miſtake (for Princes are but Men, made as others) appear'd in ſome ſmall declinations from that end; yet 'twas viſible, the main of their Conduct tended to nothing but the care of the publick. The People therefore finding reaſon to be ſatisfied with theſe Princes, whenever they acted without, or contrary to the Letter of the Law, acquieſced in what they did, and without the leaſt complaint, let them inlarge their Prerogative as they pleaſed, judging rightly that they did nothing herein to the prejudice of their Laws, ſince they acted conformable to the Foundation and End of all Laws, the publick good.

166. Such God-like Princes indeed had ſome Title to Arbitrary Power, by that Argument that would prove Abſolute Monarchy the beſt Government, as that which God himſelf governs the Univerſe by, becauſe ſuch Kings partake of his Wiſdom and Goodneſs. Upon this is founded that ſaying, That the Reigns of good Princes have been always moſt dangerous to the Liberties of their People. For when their Succeſſors, managing the Government with

with different Thoughts, would draw the Actions of those good Rulers into Precedent, and make them the Standard of their Prerogative; as if what had been done only for the good of the People, was a right in them to do for the harm of the People, if they so pleased: It has often occasioned Contest, and sometimes publick Disorders, before the People could recover their original Right, and get that to be declared not to be Prerogative which truly was never so: since it is impossible any body, in the Society, should ever have a right to do the People harm, though it be very possible and reasonable that the People should not go about to set any Bounds to the Prerogative of those Kings or Rulers, who themselves transgressed not the Bounds of the publick good. For *Prerogative is nothing but the Power of doing publick good, without a Rule.*

167. The Power of calling Parliaments in *England*, as to precise time, place, and duration, is certainly a Prerogative of the King, but still with this trust, that it shall be made use of for the good of the Nation, as the exigencies of the Times, and variety of Occasion shall require. For it being impossible to foresee which should always be the fittest place for them to as-

ſemble in, and what the beſt ſeaſon: the choice of theſe was left with the Executive Power, as might be beſt ſubſervient to the publick good, and beſt ſuit the ends of Parliaments.

168. The old Queſtion will be asked in this matter of Prerogative, But who ſhall be Judge when this Power is made a right uſe of? I anſwer: Between an Executive Power in being, with ſuch a Prerogative, and a Legiſlative, that depends upon his will for their convening, there can be no Judge on Earth. As there can be none between the Legiſlative and the People, ſhould either the executive, or the Legiſlative, when they have got the Power in their hands, deſign, or go about to enſlave or deſtroy them. The People have no other remedy in this, as in all other caſes, where they have no Judge on earth, but to appeal to Heaven. For the Rulers, in ſuch attempts, exerciſing a Power the people never put into their hands, who can never be ſuppoſed to conſent that any body ſhould rule over them for their harm, do that which they have not a right to do. And where the Body of the People, or any ſingle Man, are deprived of their Right, or are under the Exerciſe of a power without right, having no Appeal on earth, they have a liberty to appeal to Heaven, when-ever they judge the Cauſe of

of ſufficient moment. And therefore, though the People cannot be Judge, ſo as to have, by the Conſtitution of that Society, any Superiour power, to determine and give effective Sentence in the caſe; yet they have reſerv'd that ultimate Determination to themſelves, which belongs to all Mankind, where there lies no Appeal on Earth; by a Law antecedent, and paramount to all poſitive Laws of Men, whether they have juſt Cauſe to make their Appeal to Heaven. And this Judgment they cannot part with, it being out of a Man's power ſo to ſubmit himſelf to another, as to give him a liberty to deſtroy him; God and Nature never allowing a Man ſo to abandon himſelf, as to neglect his own preſervation. And ſince he cannot take away his own Life, neither can he give another power to take it. Nor let any one think this lays a perpetual foundation for Diſorder; for this operates not till the Inconvenience is ſo great, that the Majority feel it, and are weary of it, and find a neceſſity to have it amended. And this the Executive Power, or wiſe Princes never need come in the danger of. And 'tis the thing, of all others, they have moſt need to avoid, as, of all others, the moſt perilous.

CHAP. XV.

Of Paternal, Political, and Deſpotical Power, conſidered together.

169. THough I have had occaſion to ſpeak of theſe ſeparately before, yet the great miſtakes, of late, about Government, having, as I ſuppoſe, ariſen from confounding theſe diſtinct Powers one with another, it may not, perhaps, be amiſs, to conſider them here together.

170. *Firſt* then, Paternal or Parental Power, is nothing but that which Parents have over their Children, to govern them, for the Childrens good, till they come to the uſe of Reaſon, or a ſtate of Knowledge, wherein they may be ſuppoſed capable to underſtand that Rule, whether it be the Law of Nature, or the municipal Law of their Countrey, they are to govern themſelves by: Capable, I ſay, to know it, as well as ſeveral others, who live as Free-men under that Law. The Affection and Tenderneſs God hath planted in the breaſts of Parents, towards their Children, makes it evident, that this is not intended to be a ſevere, Arbitrary Government; but only for the Help, Inſtruction, and Preſervation of their Off-ſpring.

But

But, happen it as it will, there is, as I have proved, no reaſon why it ſhould be thought to extend to Life and Death, at any time, over their Children, more than over any body elſe, or keep the Child in ſubjection to the Will of his Parents, when grown to a Man, and the perfect uſe of Reaſon, any farther, than as having received Life and Education from his Parents, obliges him to Reſpect, Honour, Gratitude, Aſſiſtance, and Support, all his Life, to both Father and Mother. And thus, 'tis true, the Paternal is a natural Government; but not at all extending it ſelf to the Ends and Juriſdictions of that which is Political. The Power of the Father doth not reach at all to the Property of the Child, which is only in his own diſpoſing.

171. *Secondly*, Political Power is that Power, which every Man, having in the ſtate of Nature, has given up into the hands of the Society, and therein to the Governours, whom the Society hath ſet over it ſelf, with this expreſs, or tacit Truſt, That it ſhall be imployed for their good, and the preſervation of their Property: Now this Power, which every Man has in the ſtate of Nature, and which he parts with to the Society, in all ſuch caſes where the Society can ſecure him,

is

is to uſe ſuch means for the preſerving of his own Property, as he thinks good, and Nature allows him; and to puniſh the Breach of the Law of Nature in others; ſo as (according to the beſt of his Reaſon) may moſt conduce to the preſervation of himſelf, and the reſt of Mankind; ſo that the end and meaſure of this Power, when in every Man's hands, in the ſtate of Nature, being the preſervation of all of his Society, that is, all Mankind in general. It can have no other end or meaſure, when in the hands of the Magiſtrate, but to preſerve the Members of that Society, in their Lives, Liberties, and Poſſeſſions; and ſo cannot be an Abſolute, Arbitrary Power over their Lives and Fortunes, which are as much as poſſible to be preſerved; But a Power to make Laws, and annex ſuch Penalties to them, as may tend to the preſervation of the whole, by cutting off thoſe Parts, and thoſe only, which are ſo corrupt, that they threaten the ſound and healthy, without which no ſeverity is lawful. And this Power has its Original only from Compact and Agreement, and the mutual Conſent of thoſe who make up the Community.

172. *Thirdly*, Deſpotical Power is an Abſolute, Arbitrary Power, one Man has over another, to take away his Life whenever

ever he pleaſes; and this is a Power, which neither Nature gives, for it has made no ſuch diſtinction between one Man and another, nor Compact can convey. For Man, not having ſuch an Arbitrary Power over his own Life, cannot give another Man ſuch a Power over it, but it is the effect only of Forfeiture, which the Aggreſſor makes of his own Life, when he puts himſelf into the ſtate of War with another. For having quitted Reaſon, which God hath given to be the Rule betwixt Man and Man, and the peaceable ways which that teaches, and made uſe of Force to compaſs his unjuſt ends upon another, where he has no right, he renders himſelf liable to be deſtroyed by his Adverſary, when-ever he can, as any other noxious and brutiſh Creature that is deſtructive to his Being. And thus Captives, taken in a juſt and lawful War, and ſuch only, are ſubject to a Deſpotical Power, which as it ariſes not from Compact, ſo neither is it capable of any, but is the ſtate of War continued. For what Compact can be made with a Man that is not Maſter of his own Life? What Condition can he perform? And if he be once allowed to be Maſter of his own Life, the Deſpotical, Arbitrary Power of his Maſter ceaſes. He that is Maſter of himſelf, and

and his own Life, has a right too to the means of preſerving it; ſo that as ſoon as Compact enters, Slavery ceaſes, and he ſo far quits his Abſolute Power, and puts an end to the ſtate of War, who enters into Conditions with his Captive.

173. Nature gives the firſt of theſe, *viz.* Paternal Power, to Parents, for the Benefit of their Children, during their Minority, to ſupply their want of Ability, and underſtanding how to manage their Property. (By Property I muſt be underſtood here, as in other places, to mean that Property which Men have in their Perſons as well as Goods.) Voluntary Agreement gives the ſecond, *viz.* Political Power, to Governours, for the Benefit of their Subjects, to ſecure them in the Poſſeſſion and Uſe of their Properties. And Forfeiture gives the third, Deſpotical Power, to Lords, for their own Benefit over thoſe who are ſtripp'd of all Property.

174. He that ſhall conſider the diſtinct riſe and extent, and the different ends of theſe ſeveral Powers, will plainly ſee that Paternal Power comes as far ſhort of that of the Magiſtrate, as Deſpotical exceeds it; and that Abſolute Dominion, however placed, is ſo far from being one kind of civil Society, that it is as inconſiſtent with

with it as Slavery is with Property. Paternal Power is only where Minority makes the Child incapable to manage his Property; Political where Men have Property in their own diſpoſal; and Deſpotical over ſuch as have no Property at all.

CHAP. XVI.

Of CONQUEST.

175. THough Governments can originally have no other Riſe, than that before mentioned, nor Polities be founded on any thing but the Conſent of the People; yet ſuch has been the Diſorders, Ambition has fill'd the World with, that in the noiſe of War, which makes ſo great a part of the Hiſtory of Mankind, this Conſent is little taken notice of: and therefore many have miſtaken the force of Arms for the Conſent of the People, and reckon Conqueſt as one of the Originals of Government. But Conqueſt is as far from ſetting up any Government, as demoliſhing an Houſe is from building a new one in the place. Indeed it often makes way for a new Frame of a Commonwealth, by deſtroying the former; but,

but, without the Conſent of the People, can never erect a new one.

176. That the Aggreſſor, who puts himſelf into the ſtate of War with another, and unjuſtly invades another Man's right, can, by ſuch an unjuſt War, never come to have a right over the Conquered, will be eaſily agreed by all Men, who will not think that Robbers and Pyrates have a Right of Empire over whomſoever they have Force enough to maſter, or that Men are bound by Promiſes, which unlawful Force extorts from them. Should a Robber break into my Houſe, and with a Dagger at my Throat, make me ſeal Deeds to convey my Eſtate to him, would this give him any Title? Juſt ſuch a Title by his Sword, has an unjuſt Conquerour, who forces me into Submiſſion. The Injury and the Crime is equal, whether committed by the wearer of a Crown, or ſome petty Villain. The Title of the Offender, and the Number of his Followers make no difference in the Offence, unleſs it be to aggravate it. The only difference is, Great Robbers puniſh little ones to keep them in their Obedience; but the great ones are rewarded with Laurels and Triumphs, becauſe they are too big for the weak hands of Juſtice, in this World, and have the Power in their own poſſeſſion

poſſeſſion which ſhould puniſh Offenders. What is my Remedy againſt a Robber that ſo broke into my Houſe? Appeal to the Law for Juſtice. But perhaps Juſtice is deny'd, or I am crippled and cannot ſtir; Robbed and have not the means to do it. If God has taken away all means of ſeeking remedy, there is nothing left but Patience. But my Son, when able, may ſeek the Relief of the Law, which I am denyed: he or his Son may renew his Appeal, till he recover his Right. But the Conquered, or their Children, have no Court, no Arbitrator on Earth to appeal to. Then they may appeal, as *Jephtha* did, to Heaven, and repeat their Appeal, till they have recovered the native Right of their Anceſtours, which was, to have ſuch a Legiſlative over them, as the Majority ſhould approve, and freely acquieſce in. If it be objected, this would cauſe endleſs trouble; I anſwer, No more than Juſtice does, where ſhe lies open to all that appeal to her. He that troubles his Neighbour, without a Cauſe, is puniſhed for it, by the Juſtice of the Court he appeals to. And he that appeals to Heaven, muſt be ſure he has Right on his ſide; and a Right too that is worth the Trouble and Coſt of the Appeal, as he will anſwer at a Tribunal that cannot be deceived, and will

will be ſure to retribute to every one according to the Miſchiefs he hath created to his Fellow-Subjects; that is, any part of Mankind. From whence 'tis plain, that he that conquers, in an unjuſt War, can thereby have no Title to the Subjection and Obedience of the Conquered.

177. But, ſuppoſing Victory favours the right ſide, let us conſider a Conquerour in a lawful War, and ſee what Power he gets, and over whom.

Firſt, 'Tis plain he gets no Power by his Conqueſt over thoſe that Conquered with him. They that fought on his ſide cannot ſuffer by the Conqueſt, but muſt, at leaſt, be as much Free-men as they were before. And moſt commonly they ſerve upon Terms, and on Condition to ſhare with their Leader, and enjoy a part of the Spoil, and other Advantages that attend the conquering Sword: Or, at leaſt, have a part of the ſubdued Countrey beſtowed upon them. And the conquering People, are not, I hope, to be Slaves by Conqueſt, and wear their Laurels only to ſhew they are Sacrifices to their Leader's Triumph. They that found Abſolute Monarchy upon the Title of the Sword, make their Heroes, who are the Founders of ſuch Monarchies, arrant *Draw-can-Sirs*, and forget they had any Officers and Souldiers

that

that fought on their ſide, in the Battles they won, or aſſiſted them in the ſubduing, or ſhared in poſſeſſing the Countries they Maſter'd. We are told by ſome, that the Engliſh Monarchy is founded in the Norman Conqueſt, and that our Princes have thereby a Title to abſolute Dominion: which if it were true, (as by the Hiſtory it appears otherwiſe) and that *William* had a right to make War on this Iſland; yet his Dominion by Conqueſt, could reach no farther than to the *Saxons* and *Britans*, that were then Inhabitants of this Country. The *Normans* that came with him, and helped to Conquer, and all deſcended from them are Freemen, and no Subjects by Conqueſt; let that give what Dominion it will. And if I, or any Body elſe, ſhall claim freedom, as derived from them, it will be very hard to prove the contrary: And 'tis plain, the Law that has made no diſtinction between the one and the other, intends not there ſhould be any difference in their Freedom or Priviledges.

178. But ſuppoſing, which ſeldom happens, that the Conquerers and Conquer'd never incorporate into one People, under the ſame Laws and Freedom. Let us ſee next, what Power a lawful Conquerer has over the ſubdued, and that I

ſay is purely Deſpotical. He has an Abſolute Power over the Lives of thoſe, who, by an unjuſt War, have forfeited them; but not over the Lives or Fortunes of thoſe, who ingaged not in the War, nor over the Poſſeſſions even of thoſe who were actually engaged in it.

179. *Secondly*, I ſay then the Conquerour gets no Power but only over thoſe who have actually aſſiſted, concurr'd, or conſented to that unjuſt force that is uſed againſt him. For the People having given to their Governours no Power to do an unjuſt thing, ſuch as is to make an unjuſt War, (for they never had ſuch a Power in themſelves:) They ought not to be charged, as guilty of the violence and injuſtice that is committed in an unjuſt War, any farther than they actually abet it, no more than they are to be thought guilty of any Violence or Oppreſſion their Governours ſhould uſe upon the People themſelves, or any part of their Fellow-Subjects, they having impowered them no more to the one than to the other. Conquerours, 'tis true, ſeldom trouble themſelves to make the diſtinction, but they willingly permit the confuſion of War to ſweep all together; but yet this alters not the Right: for the Conquerour's Power over the Lives of the Conquered, being

being only becauſe they have uſed force to do or maintain an injuſtice, he can have that power only over thoſe who have concur'd in that force, all the reſt are innocent; and he has no more title over the people of that Country, who have done him no injury, and ſo have made no forfeiture of their Lives, than he has over any other, who without any injuries or provocations, have lived upon fair terms with him.

180. Thirdly, The Power a Conquerer gets over thoſe he overcomes in a juſt War, is perfectly deſpotical; he has an abſolute Power over the Lives of thoſe, who by putting themſelves in a ſtate of War, have forfeited them; but he has not thereby a right and title to their Poſſeſſions. This I doubt not, but at firſt ſight, will ſeem a ſtrange Doctrine, it being ſo quite contrary to the practice of the World. There being nothing more familiar in ſpeaking of the dominion of Countries, than to ſay ſuch an one Conquer'd it. As if Conqueſt, without any more ado, convey'd a right of Poſſeſſion. But when we conſider, that the practice of the ſtrong and powerful, how univerſal ſoever it may be, is ſeldom the rule of Right, however it be one part of the ſubjection of the Conquer'd not to argue againſt the Conditions cut out to

them by the Conquering Swords.

181. Though in all War there be uſually a complication of force and damage, and the Aggreſſor ſeldom fails to harm the Eſtate, when he uſes force againſt the perſons of thoſe he makes War upon; yet 'tis the uſe of force only that puts a Man into the State of War. For whether by force he begins the injury; or elſe having quietly, and by fraud, done the injury, he refuſes to make reparation, and by force maintains it, which is the ſame thing as at firſt to have done it by force; 'tis the unjuſt uſe of force that makes the War. For he that breaks open my Houſe, and violently turns me out of Doors; or having peaceably got in, by force keeps me out, does in effect the ſame thing; ſuppoſing we are in ſuch a ſtate, that we have no common Judge on Earth, whom I may appeal to, and to whom we are both obliged to ſubmit: for of ſuch I am now ſpeaking. 'Tis the unjuſt uſe of force then that puts a Man into the ſtate of War with another, and thereby he that is guilty of it makes a forfeiture of his Life. For quitting reaſon, which is the rule given between Man and Man, and uſing force the way of Beaſts, he becomes liable to be deſtroy'd by him he uſes force againſt, as any ſavage ravenous Beaſt, that is dangerous to his being.

182. But

182. But becauſe the miſcarriages of the Father are no faults of the Children, and they may be rational and peaceable, notwithſtanding the brutiſhneſs and injuſtice of the Father; the Father, by his miſcarriages and violence, can forfeit but his own Life, but involves not his Childten in his guilt or deſtruction. His goods which nature, that willeth the preſervation of all Mankind as much as is poſſible, hath made to belong to the Children to keep them from periſhing, do ſtill continue to belong to his Children. For ſuppoſing them not to have join'd in the War, either through infancy or choice, they have done nothing to forfeit them, nor has the Conquerour any right to take them away, by the bare right of having ſubdued him that by force attempted his deſtruction, though perhaps he may have ſome right to them to repair the dammages he has ſuſtained by the War, and the defence of his own right, which how far it reaches to the poſſeſſions of the Conquer'd, we ſhall ſee by and by; ſo that he that by Conqueſt has a right over a Mans Perſon, to deſtroy him if he pleaſes, has not thereby a right over his Eſtate to poſſeſs and enjoy it. For it is the brutal force the Aggreſſor has uſed, that gives his Adverſary a right to take away his Life, and deſtroy him, if he pleaſes,

as a noxious Creature; but 'tis damage ſuſtain'd that alone gives him title to another Mans Goods: For though I may kill a Thief that ſets on me in the Highway, yet I may not (which ſeems leſs) take away his money, and let him go; this would be Robbery on my ſide. His force, and the ſtate of War he put himſelf in, made him forfeit his Life, but gave me no title to his Goods. The right then of Conqueſt extends only to the Lives of thoſe who join'd in the War, but not to their Eſtates, but only in order to make reparation for the damages received, and the Charges of the War, and that too with reſervation of the right of the innocent Wife and Children.

183. Let the Conquerer have as much Juſtice on his ſide as could be ſuppos'd, he has no right to ſeize more than the vanquiſh'd could forfeit; his Life is at the Victors Mercy, and his ſervice and goods he may appropriate to make himſelf reparation; but he cannot take the goods of his Wife and Children, they too had a title to the goods he enjoy'd, and their ſhares in the eſtate he poſſeſſed. For Example, I in the ſtate of nature (and all Commonwealths are in the ſtate of nature one with another) have injured another Man, and refuſing to give ſatisfaction, it is come to a ſtate

a ſtate of War, wherein my defending by force, what I had gotten unjuſtly, makes me the Aggreſſour; I am conquered: my Life, 'tis true, as forfeit, is at mercy, but not my Wives and Childrens. They made not the War, nor aſſiſted in it. I could not forfeit their Lives, they were not mine to forfeit. My Wife had a ſhare in my Eſtate, that neither could I forfeit. And my Children alſo, being born of me, had a right to be maintain'd out of my Labour or Subſtance. Here then is the Caſe; The Conquerour has a Title to Reparation for Damages received, and the Children have a Title to their Father's Eſtate for their Subſiſtence. For as to the Wife's ſhare, whether her own Labour or Compact gave her a Title to it, 'tis plain, her Husband could not forfeit what was hers. What muſt be done in the caſe? I anſwer; The Fundamental Law of Nature being, that all, as much as may be, ſhould be preſerved, it follows, that if there be not enough fully to ſatisfie both, *viz.* for the Conquerour's Loſſes, and Childrens Maintenance, he that hath, and to ſpare, muſt remit ſomething of his full Satisfaction, and give way to the preſſing and preferible Title of thoſe, who are in danger to periſh without it.

184. But ſuppoſing the Charge and Damages of the War are to be made up to the Conquerour, to the utmoſt Farthing, and that the Children of the vanquiſhed, ſpoiled of all their Father's Goods, are to be left to ſtarve, and periſh, yet the ſatisfying of what ſhall, on this ſcore, be due to the Conquerour, will ſcarce give him a Title to any Countrey he ſhall conquer. For the Damages of War can ſcarce amount to the value of any conſiderable Tract of Land, in any part of the World, where all the Land is poſſeſſed, and none lies waſte. And if I have not taken away the Conquerour's Land, which, being vanquiſhed, it is impoſſible, I ſhould; ſcarce any other ſpoil I have done him can amount to the value of mine, ſuppoſing it of an extent any way coming near what I had over-run of his, and equally cultivated too. The deſtruction of a Years Product or two, (for it ſeldom reaches four or five) is the utmoſt ſpoil that uſually can be done. For as to Money, and ſuch Riches and Treaſure taken away, theſe are none of Natures Goods, they have but a phantaſtical imaginary value, Nature has put no ſuch upon them. They are of no more account by her ſtandard, than the Wampompeke of the *Americans* to an *European* Prince, or the Silver

Silver Money of *Europe* would have been formerly to an *American*. And five years Product is not worth the perpetual Inheritance of Land, where all is poſſeſſed, and none remains waſte, to be taken up by him that is diſſeiz'd: which will be eaſily granted, if one do but take away the imaginary value of Money, the diſproportion being more than between five, and five thouſand. Though, at the ſame time, half a years product is more worth than the Inheritance, where there being more Land than the Inhabitants poſſeſs and make uſe of, any one has liberty to make uſe of the waſte: But there Conquerours take little care to poſſeſs themſelves of the Lands of the vanquiſhed. No damage therefore, that Men, in the ſtate of Nature (as all Princes and Governments are in reference to one another) ſuffer from one another, can give a Conquerour Power to diſpoſſeſs the Poſterity of the vanquiſhed, and turn them out of that Inheritance which ought to be the Poſſeſſion of them, and their Deſcendants to all Generations. The Conquerour indeed will be apt to think himſelf Maſter. And 'tis the very condition of the ſubdued not to be able to diſpute their Right: But, if that be all, it gives no other Title, than what bare Force gives to the ſtronger over the weaker.

And,

And, by this reaſon, he that is ſtrongeſt will have a right to whatever he pleaſes to ſeize on.

185. Over thoſe then that joined with him in the War, and over thoſe of the ſubdued Countrey that oppoſed him not, and the Poſterity even of thoſe that did, the Conquerour, even in a juſt War, hath, by his Conqueſt, no right of Dominion. They are free from any ſubjection to him, and if their former Government be diſſolved, they are at liberty to begin and erect another to themſelves.

186. The Conquerour, 'tis true, uſually, by the Force he has over them, compels them, with a Sword at their Breaſts, to ſtoop to his Conditions, and ſubmit to ſuch a Government as he pleaſes to afford them; but the enquiry is, What right he has to do ſo? If it be ſaid, they ſubmit by their own conſent; then this allows their own conſent to be neceſſary to give the Conquerour a Title to rule over them. It remains only to be conſidered, whether Promiſes, extorted by Force, without Right, can be thought Conſent, and how far they bind. To which I ſhall ſay, they bind not at all, becauſe whatſoever another gets from me by force, I ſtill retain the Right of, and he is obliged preſently to reſtore. He that forces my Horſe from me,

me, ought presently to restore him, and I have still a right to retake him. By the same reason, he that forced a Promise from me ought presently to restore it, *i. e.* quit me, of the Obligation of it; or I may resume it my self, *i. e.* chuse whether I will perform it. For the Law of Nature laying an obligation on me, only by the Rules she prescribes, cannot oblige me by the violation of her Rules: such is the extorting any thing from me by force. Nor does it at all alter the case, to say I gave my Promise, no more than it excuses the force, and passes the right, when I put my hand in my Pocket, and deliver my Purse my self to a Thief, who demands it with a Pistol at my Breast.

187. From all which it follows, that the Government of a Conquerour, imposed, by force, on the subdued, against whom he had no right of War, or who joined not in the War against him, where he had right, has no obligation upon them.

188. But let us suppose that all the Men of that Community being all Members of the same Body Politick, may be taken to have join'd in that unjust War, wherein they are subdued, and so their Lives are at the Mercy of the Conquerour.

189. I say,

189. I ſay, this concerns not their Children, who are in their Minority. For ſince a Father hath not, in himſelf, a Power over the Life or Liberty of his Child; no act of his can poſſibly forfeit it: ſo that the Children, whatever may have happened to the Fathers, are Free men, and the Abſolute Power of the Conquerour reaches no farther than the Perſons of the Men, that were ſubdued by him, and dies with them; and ſhould he govern them as Slaves, ſubjected to his Abſolute, Arbitrary Power, he has no ſuch Right of Dominion over their Children. He can have no Power over them, but by their own conſent, whatever he may drive them to ſay or do; and he has no lawful Authority, whilſt Force, and not Choice, compels them to ſubmiſſion.

190. Every Man is born with a double Right, *Firſt*, A Right of Freedom to his Perſon, which no other Man has a Power over, but the free Diſpoſal of it lies in himſelf. *Secondly*, A Right, before any other Man, to inherit, with his Brethren, his Father's Goods.

191. By the firſt of theſe, a Man is naturally free from ſubjection to any Government, though he be born in a place under its Juriſdiction. But if he diſclaim the lawful Government of the Countrey he

he was born in, he muſt alſo quit the Right, that belong'd to him, by the Laws of it, and the Poſſeſſions there deſcending to him, from his Anceſtors, if it were a Government made by their conſent.

192. By the ſecond, the Inhabitants of any Countrey, who are deſcended, and derive a Title to their Eſtates from thoſe who are ſubdued, and had a Government forced upon them, againſt their free conſents, retain a Right to the Poſſeſſion of their Anceſtours, though they conſent not freely to the Government, whoſe hard Conditions were, by force, impoſed on the Poſſeſſors of that Countrey. For the firſt Conqueror never having had a Title to the Land of that Country, the People, who are the Deſcendants of, or claim under thoſe, who were forced to ſubmit to the Yoke of a Government by conſtraint, have always a Right to ſhake it off, and free themſelves from the Uſurpation, or Tyranny the Sword hath brought in upon them; till their Rulers put them under ſuch a Frame of Government, as they willingly, and of choice conſent to (which they can never be ſuppoſed to do, till either they are put in a full ſtate of Liberty to chuſe their Government and Governours, or at leaſt till they have ſuch ſtanding Laws, to which they have, by themſelves, or their Repreſen-

Repreſentatives, given their free conſent, and alſo till they are allowed their due Property, which is ſo to be Proprietors of what they have, that no body can take away any part of it without their own conſent, without which, Men under any Government are not in the ſtate of Freemen, but are direct Slaves, under the force of War.) And who doubts but the *Grecian* Chriſtians, Deſcendants of the antient Poſſeſſors of that Countrey, may juſtly caſt off the *Turkiſh* Yoke they have ſo long groaned under, when-ever they have a Power to do it?

193. But granting that the Conquerour, in a juſt War, has a Right to the Eſtates, as well as Power over the Perſons of the Conquered; which, 'tis plain, he hath not: nothing of Abſolute Power will follow from hence, in the continuance of the Government. Becauſe the Deſcendants of theſe being all Free-men, if he grants them Eſtates, and Poſſeſſions to inhabit his Countrey, without which it would be worth nothing, whatſoever he grants them, they have ſo far as it is granted, Property in. The nature whereof is, that, without a Man's own conſent, it cannot be taken from him.

194. Their Perſons are free, by a native Right, and their Properties, be they more

more or less, are their own, and at their own dispose, and not at his; or else it is no Property. Supposing the Conquerour gives to one Man a Thousand Acres, to him and his Heirs for ever: to another he lets a Thousand Acres, for his Life, under the Rent of 50*l.* or 500*l. per An.* Has not the one of these a Right to his Thousand Acres for ever, and the other, during his Life, paying the said Rent? And hath not the Tenant, for Life, a Property in all that he gets over and above his Rent, by his Labour and Industry, during the said term, supposing it be double the Rent? Can any one say, the King, or Conquerour, after his Grant, may, by his Power of Conquerour, take away all, or part of the Land, from the Heirs of one, or from the other, during his Life, he paying the Rent? Or can he take away, from either, the Goods or Money they have got upon the said Land, at his pleasure? If he can, then all free and voluntary Contracts cease, and are void, in the World; there needs nothing but Power enough to dissolve them at any time. And all the Grants and Promises of Men, in Power, are but Mockery and Collusion. For can there be any thing more ridiculous than to say, I give you and yours this for ever, and that in the surest and

most

moſt ſolemn way of conveyance can be deviſed: and yet it is to be underſtood, that I have Right, if I pleaſe, to take it away from you again to morrow?

195. I will not diſpute now whether Princes are exempt from the Laws of their Countrey, but this I am ſure, they owe ſubjection to the Laws of God, and Nature. No Body, no Power can exempt them from the Obligations of that Eternal Law. Thoſe are ſo great, and ſo ſtrong, in the caſe of Promiſes, that Omnipotency it ſelf can be tyed by them. Grants, Promiſes, and Oaths are Bonds that hold the Almighty: what-ever ſome Flatterres ſay to Princes of the World, who, all together, with all their People joined to them, are, in compariſon of the great God, but as a Drop of the Bucket, or a Duſt on the Balance, inconſiderable, nothing!

196. The ſhort of the Caſe, in Conqueſt, is this, The Conquerour, if he have a juſt Cauſe, has a Deſpotical Right over the Perſons of all that actually aided, and concurred in the War againſt him, and a Right to make up his Damage and Coſt, out of their Labour and Eſtates, ſo he injure not the Right of any other. Over the reſt of the People, if there were any that conſented not to the War, and over

over the Children of the Captives themſelves, or the Poſſeſſions of either he has no Power, and ſo can have, by Virtue of Conqueſt, no lawful Title himſelf to Dominion over them, or derive it to his Poſterity; but is an Aggreſſour, and puts himſelf in a ſtate of War againſt them, and has no better a Right of Principality, he, nor any of his Succeſſours, than *Hingar*, or *Hubba*, the *Danes*, had here in *England*, or *Spartacus*, had he conquered *Italy*; which is to have their Yoke caſt off, as ſoon as God ſhall give thoſe, under their ſubjection, Courage, and Opportunity to do it. Thus, notwithſtanding whatever Title the Kings of *Aſſyria* had over *Judah*, by the Sword, God aſſiſted *Hezekiah* to throw off the Dominion of that conquering Empire. *And the Lord was with Hezekiah, and he proſpered; wherefore he went forth, and he rebelled againſt the King of Aſſyria, and ſerved him not*, 2 Kings XVIII. vij. Whence it is plain, that ſhaking off a Power, which Force, and not Right, hath ſet over any one, though it hath the Name of Rebellion; yet is no Offence before God, but that which he allows and countenances, though even Promiſes and Covenants, when obtain'd by force, have intervened. For 'tis very probable, to any one that reads

the Story of *Ahaz* and *Hezekiah*, attentively, that the *Aſſyrians* ſubdued *Ahaz*, and depoſed him, and made *Hezekiah* King in his Father's life time; and that *Hezekiah*, by agreement, had done him Homage, and paid him Tribute till this time.

CHAP. XVII.

Of USURPATION.

197. AS Conqueſt may be called a foreign Uſurpation; ſo Uſurpation is a kind of domeſtick Conqueſt, with this difference, that an Uſurper can never have Right on his ſide; it being no Uſurpation but where one is got into the Poſſeſſion of what another has Right to. This, ſo far as it is Uſurpation, is a change only of Perſons, but not of the Forms and Rules of the Government: for if the Uſurper extend his Power beyond what, of Right, belonged to the lawful Princes, or Governours of the Commonwealth, 'tis Tyranny, added to Uſurpation.

198. In all lawful Governments the deſignation of the Perſons, who are to bear Rule, being as natural and neceſſary a part

part as the Form of the Government it ſelf, and that which had its Eſtabliſhment originally from the People. The Anarchy being much alike, to have no Form of Government at all, or to agree that it ſhall be Monarchical; but to appoint no way, to deſign the Perſon that ſhall have the Power, and be the Monarch. All Commonwealths therefore, with the Form of Government eſtabliſhed, have Rules alſo of appointing and conveying the Right to thoſe, who are to have any ſhare in the publick Authority. And who-ever gets into the exerciſe of any part of the Power, by other ways, than what the Laws of the Community have preſcribed, hath no Right to be obeyed, though the Form of the Commonwealth be ſtill preſerved; ſince he is not the Perſon the Laws have appointed, and conſequently not the Perſon the People have conſented to. Nor can ſuch an Uſurper, or any, deriving from him, ever have a Title, till the People are both at liberty to conſent, and have actually conſented to allow, and confirm in him the Power he hath, till then, Uſurped.

CHAP. XVIII.

Of TYRANNY.

199. AS Uſurpation is the exerciſe of Power, which another hath a Right to; ſo Tyranny is the exerciſe of Power beyond Right, which no Body can have a Right to. And this is making uſe of the Power any one has in his hands; not for the good of thoſe who are under it, but for his own private, ſeparate Advantage. When the Governour, however entituled, makes not the Law, but his Will, the Rule, and his Commands, and Actions are not directed to the preſervation of the Properties of his People, but the ſatisfaction of his own Ambition, Revenge, Covetouſneſs, or any other irregular Paſſion.

200. If one can doubt this to be Truth, or Reaſon, becauſe it comes from the obſcure hand of a Subject; I hope the Authority of a King will make it paſs with him. King *James*, in his Speech to the Parliament, 1603. tells them thus; *I will ever prefer the Weale of the publick, and of the whole Commonwealth, in making of good Lavvs, and Conſtitutions, to any particular, and private Ends of mine. Thinking ever the Wealth*

Wealth and Weale of the Commonwealth, to be my greatest Weale, and worldly Felicity; a Point, wherein a lawful King doth directly differ from a Tyrant. For I do acknowledge that the special and greatest point of Difference, that is between a rightful King, and an usurping Tyrant, is this, That whereas the proud and ambitious Tyrant doth think, his Kingdom and People are only ordained for satisfaction of his Desires, and unreasonable Appetites; the righteous and just King doth, by the contrary, acknowledge himself to be ordained for the procuring of the wealth and Property of his People. And again, in his Speech to the Parliament, 1609 he hath these Words; *The KING binds himself, by a double Oath, to the observation of the fundamental Laws of his Kingdom. Tacitly, as by being a King, and so bound to protect, as well the People, as the Laws of his Kingdom; and expressly by his Oath at his Coronation: so as every just King, in a setled Kingdom, is bound to observe that Paction made to his People, by his Laws, in framing his Government agreeable thereunto, according to that Paction which God made with* Noah, *after the Deluge. Hereafter, Seed-time, and Harvest, and Cold, and Heat, and Summer, and Winter, and Day, and Night, shall not cease, while the Earth remaineth. And therefore a King, governing in a setled Kingdom, leaves*

to be a King, and degenerates into a Tyrant, as ſoon as he leaves off to rule according to his Laws. And a little after: *Therefore all Kings, that are not Tyrants, or perjured, will be glad to bound themſelves within the Limits of their Laws. And they that perſwade them the contrary, are Vipers, Peſts both againſt them and the Commonwealth.* Thus that learned King, who well underſtood the Notions of things, makes the difference, betwixt a King and a Tyrant, to conſiſt only in this, That one makes the Laws the Bounds of his Power, and the Good of the publick the End of his Government; The other makes all give way to his own Will and Appetite.

201. 'Tis a Miſtake, to think this Fault is proper only to Monarchies, other Forms of Government are liable to it, as well as that: for where-ever the Power, that is put in any hands, for the Government of the People, and the Preſervation of their Properties, is applied to other ends, and made uſe of to impoveriſh, haraſs, or ſubdue them to the Arbitrary, and Irregular Commands of thoſe that have it: There it preſently becomes Tyranny, whether thoſe, that thus uſe it, are one, or many. Thus we read of the Thirty Tyrants at *Athens*, as well as one at *Syracuſe*; and the intolerable Dominion of the

the *Decemviri*, at *Rome*, was nothing better.

202. Where-ever Law ends, Tyranny begins, if the Law be tranſgreſſed to another's harm. And whoſoever, in Authority, exceeds the Power given him by the Law, and makes uſe of the Force, he has under his Command, to compaſs that upon the Subject which the Law allows not; ceaſes, in that, to be a Magiſtrate, and acting without Authority, may be oppoſed, as any other Man, who by force invades the Right of another. This is acknowledged in ſubordinate Magiſtrates. He that hath Authority to ſeize my Perſon in the ſtreet, may be oppoſed as a Thief, and a Robber, if he indeavours to break into my Houſe to execute a Writ, notwithſtanding that I know he has ſuch a Warrant, and ſuch a legal Authority as will impower him to arreſt me abroad. And why this ſhould not hold in the higheſt, as well as in the moſt inferiour Magiſtrate, I would gladly be informed. Is it reaſonable that the eldeſt Brother, becauſe he has the greateſt part of his Father's Eſtate, ſhould thereby have a Right to take away any of his younger Brothers Portions? Or that a rich Man, who poſſeſſed a whole Countrey, ſhould from thence have a Right to ſeize, when he pleaſed,

the Cottage and Garden of his poor Neighbour? The being rightfully poſſeſſed of great Power and Riches, exceedingly beyond the greateſt part of the Sons of *Adam*, is ſo far from being an excuſe, much leſs a reaſon for Rapine and Oppreſſion, which the endamaging another, without Authority, is; that it is a great Aggravation of it. For the exceeding the Bounds of Authority, is no more a Right, in a great, than a petty Officer: no more juſtifiable in a King, than a Conſtable. But ſo much the worſe in him, as that he has more truſt put in him, is ſuppoſed, from the advantage of Education, and Counſellours to have better Knowledge, and leſs reaſon to do it, having already a greater ſhare than the reſt of his Brethren.

203. May the Commands then of a Prince be oppoſed? May he be reſiſted, as often as any one ſhall find himſelf aggrieved, and but imagine he has not Right done him? This will unhinge and overturn all Polities, and, inſtead of Government and Order, leave nothing but Anarchy and Confuſion.

204. To this I anſwer: That Force is to be oppoſed to nothing but to unjuſt and unlawful Force; whoever makes any oppoſition, in any other Caſe, draws on him-

himſelf a juſt Condemation, both from God and Man; and ſo no ſuch Danger or Confuſion will follow, as is often ſuggeſted. For,

205. *Firſt*, As, in ſome Countries, the Perſon of the Prince, by the Law, is Sacred, and ſo, what-ever he commands, or does, his Perſon is ſtill free from all Queſtion or Violence; not liable to Force, or any judicial Cenſure or Condemnation. But yet oppoſition may be made to the illegal Acts of any inferiour Officer, or other commiſſioned by him; unleſs he will, by actually putting himſelf into a State of War with his People, diſſolve the Government, and leave them to that defence, which belongs to every one in the ſtate of Nature. For of ſuch things who can tell what the end will be? And a Neighbour Kingdom has ſhewed the World an odd Example. In all other Caſes the Sacredneſs of the Perſon exempts him from all Inconveniencies, whereby he is ſecure, whilſt the Government ſtands, from all violence and harm whatſoever. Than which, there cannot be a wiſer Conſtitution. For the harm he can do, in his own Perſon, not being likely to happen often, nor to extend it ſelf far; nor being able, by his ſingle ſtrength, to ſubvert the Laws, nor oppreſs the Body of the People, ſhould any

any Prince have ſo much Weakneſs, and ill Nature as to be willing to do it. The Inconveniency of ſome particular miſchiefs that may happen, ſometimes, when a heady Prince comes to the Throne, are well recompenced by the peace of the Publick, and ſecurity of the Government, in the Perſon of the chief Magiſtrate, thus ſet out of the reach of danger. It being ſafer for the Body, that ſome few private Men ſhould be ſometimes in danger to ſuffer, than that the Head of the Republick ſhould be eaſily, and upon ſlight occaſions expoſed.

206. *Secondly*, But this Priviledge belonging only to the King's Perſon, hinders not but they may be queſtioned, oppoſed, and reſiſted, who uſe unjuſt force, though they pretend a Commiſſion from him, which the Law authorizes not. As is plain, in the Caſe of him that has the King's Writ to arreſt a Man, which is a full Commiſſion from the King; and yet he that has it cannot break open a Man's Houſe to do it, nor execute this Command of the King upon certain days, nor in certain places, though this Commiſſion have no ſuch exception in it; but they are the Limitations of the Law, which, if any one tranſgreſs, the King's Commiſſion excuſes him not. For the King's Authority

thority being given him only by the Law, he cannot impower any one to act againſt the Law, or juſtifie him, by his Commiſſion, in ſo doing. The Commiſſion, or Command of any Magiſtrate, where he has no Authority, being as void and inſignificant as that of any private Man. The difference, between the one and the other, being, that the Magiſtrate has ſome Authority, ſo far, and to ſuch ends, and the private Man has none at all. For 'tis not the Commiſſion, but the Authority, that gives the Right of acting; and againſt the Laws there can be no Authority. But, notwithſtanding ſuch Reſiſtance, the King's Perſon and Authority are ſtill both ſecured, and ſo no danger to Governour or Government.

207. *Thirdly*, Suppoſing a Government, wherein the Perſon of the chief Magiſtrate is not thus Sacred; yet this Doctrine, of the lawfulneſs of reſiſting all unlawful exerciſes of his Power, will not, upon every ſlight occaſion, indanger him, or imbroil the Government. For, where the injured Party may be relieved, and his damages repaired, by Appeal to the Law, there can be no pretence for Force; which is only to be uſed, where a Man is intercepted from appealing to the Law. For nothing is to be accounted Hoſtile Force, but where

where it leaves not the remedy of ſuch an Appeal. And 'tis ſuch Force alone, that puts him that uſes it, into a ſtate of War, and makes it lawful to reſiſt him. A Man, with a Sword in his hand, demands my Purſe, in the High-way, when, perhaps, I have not 12*d.* in my Pocket; This Man I may lawfully kill. To another I deliver 100*l.* to hold, only whilſt I alight; which he refuſes to reſtore me when I am got up again, but draws his Sword to defend the poſſeſſion of it, by force: I endeavour to retake it. The miſchief, this Man does me, is a hundred, or poſſibly a thouſand times more than the other perhaps intended me, (whom I kill'd, before he really did me any) and yet I might lawfully kill the one, and cannot ſo much as hurt the other lawfully. The Reaſon whereof is plain; becauſe the one uſing force, which threatned my Life, I could not have time to appeal to the Law to ſecure it: And when it was gone, 'twas too late to appeal. The Law could not reſtore Life to my dead Carcaſs. The Loſs was irreparable; which, to prevent, the Law of Nature gave me a Right to deſtroy him, who had put himſelf into a ſtate of War with me, and threatned my deſtruction. But, in the other caſe, my Life not being in danger, I might have the

the benefit of appealing to the Law, and have Reparation, for my 100*l.* that way.

208. *Fourthly*, But if the unlawful acts, done by the Magiſtrate, be maintained, (by the Power he has got) and the remedy, which is due by Law, be, by the ſame Power, obſtructed; yet the Right of reſiſting, even in ſuch manifeſt Acts of Tyranny, will not ſuddenly, or on ſlight occaſions, diſturb the Government. For if it reach no farther than ſome private Mens Caſes, though they have a right to defend themſelves, and to recover, by force, what, by unlawful force, is taken from them; yet the Right to do ſo, will not eaſily ingage them in a Conteſt, wherein they are ſure to periſh: It being as impoſſible, for one or a few oppreſſed Men, to diſturb the Government, where the Body of the People do not think themſelves concerned in it, as for a raving mad Man, or heady Male-content to overturn a well ſetled State; the People being as little apt to follow the one, as the other.

209. But if either theſe illegal Acts, have extended to the Majority of the People; or if the Miſchief and Oppreſſion has light only on ſome few, but in ſuch Caſes as the Precedent and Conſequences ſeem to threaten all; and they are perſwaded

ded in their Conſciences that their Laws, and with them, their Eſtates, Liberties, and Lives are in danger, and perhaps their Religion too; how they will be hindred from reſiſting illegal Force, uſed againſt them, I cannot tell. This is an Inconvenience, I confeſs, that attends all Governments whatſoever, when the Governours have brought it to this paſs, to be generally ſuſpected of their People, the moſt dangerous ſtate they can poſſibly put themſelves in; wherein they are the leſs to be pityed, becauſe it is ſo eaſie to be avoided. It being as impoſſible, for a Governour, if he really means the good of his People, and the preſervation of them, and their Laws together, not to make them ſee and feel it; as it is for the Father of a Family not to let his Children ſee he loves, and takes care of them.

210. But if all the World ſhall obſerve Pretences of one kind, and Actions of another; Arts uſed to elude the Law, and the Truſt of Prerogative (which is an Arbitrary Power in ſome things, left in the Prince's hand, to do good, not harm, to the People) employed contrary to the end, for which it was given, If the People ſhall find the Miniſters, and ſubordinate Magiſtrates choſen, ſuitable to ſuch ends, and favoured, or laid by proportionably

ably as they promote, or oppoſe them: If they ſee ſeveral Experiments made of Arbitrary Power, and that Religion underhand favoured, though publickly proclaimed againſt, which is readieſt to introduce it, and the Operators in it ſupported as much as may be; and when that cannot be done, yet approved ſtill, and liked the better, and a long Train of Actings ſhew the Councils all tending that way: how can a Man any more hinder himſelf from being perſwaded in his own Mind, which way things are going; or from caſting about how to ſave himſelf, than he could from believing the Captain of the Ship he was in, was carrying him, and the reſt of the Company, to *Algiers*, when he found him always ſteering that Courſe, though croſs Winds, Leaks in his Ship, and want of Men, and Proviſions, did often force him to turn his Courſe another way, for ſome time, which he ſteadily returned to again, as ſoon as the Wind, Weather, and other Circumſtances would let him?

CHAP.

CHAP. XIX.

Of the Diſſolution of Governments.

211. HE that will, with any clearneſs, ſpeak of the Diſſolution of Government, ought, in the firſt place, to diſtinguiſh between the Diſſolution of the Society, and the Diſſolution of the Government. That which makes the Community, and brings Men out of the looſe State of Nature, into one Politick Society, is the Agreement, which every one has, with the reſt, to incorporate and act as one Body, and ſo be one diſtinct Commonwealth. The uſual, and almoſt only way, whereby this Union is diſſolved, is the Inroad of foreign Force making a Conqueſt upon them. For in that Caſe, (not being able to maintain and ſupport themſelves, as one intire, and independent Body) the Union belonging to that Body, which conſiſted therein, muſt neceſſarily ceaſe, and ſo every one return to the ſtate he was in before, with a liberty to ſhift for himſelf, and provide for his own Safety, as he thinks fit, in ſome other Society. Whenever the Society is diſſolved, 'tis certain, the Government of that Society cannot remain. Thus Conquerors Swords often

often cut up Governments by the Roots, and mangle Societies to pieces, ſeparating the ſubdued or ſcattered multitude from the Protection of, and Dependence on that Society which ought to have preſerved them from violence. The World is too well inſtructed in, and too forward to allow of this way of diſſolving of Governments, to need any more to be ſaid of it; and there wants not much Argument to prove, that where the Society is diſſolved, the Government cannot remain: that being as impoſſible, as for the Frame of an houſe to ſubſiſt when the Materials of it are ſcattered and diſplaced by a Whirl-wind, or jumbled into a confuſed heap by an Earthquake.

212. Beſides this over-turning, from without, Governments are diſſolved from within,

Firſt, When the Legiſlative is altered, Civil Society being a ſtate of Peace amongſt thoſe who are of it, from whom the ſtate of War is excluded by the Umpirage, which they have provided in their Legiſlative, for the ending all differences, that may ariſe amongſt any of them. 'Tis in their Legiſlative, that the Members of a Commonwealth are united and combined together into one coherent, living Body. This is the Soul that gives Form,

Life, and Unity to the Commonwealth: from hence the ſeveral Members have their mutual Influence, Sympathy, and Connexion: and therefore, when the Legiſlative is broken, or diſſolved, Diſſolution and Death follows. For the Eſſence, and Union of the Society conſiſting in having one Will, the Legiſlative, when once eſtabliſhed by the Majority, has the declaring, and, as it were, keeping of that Will. The Conſtitution of the Legiſlative is the firſt and fundamental Act of Society, whereby proviſion is made for the Continuation of their Union, under the Direction of Perſons, and Bonds of Laws, made by Perſons authorized thereunto, by the Conſent and Appointment of the People, without which no one Man, or number of Men, amongſt them, can have Authority of making Laws that ſhall be binding to the reſt. When any one, or more, ſhall take upon them to make Laws, whom the People have not appointed ſo to do, they make Laws without Authority, which the People are not therefore bound to obey; by which means they come again to be out of ſubjection, and may conſtitute to themſelves a new Legiſlative, as they think beſt, being in full liberty to reſiſt the force of thoſe, who, without Authority, would impoſe

impoſe any thing upon them. Every one is at the diſpoſure of his own Will, when thoſe, who had, by the delegation of the Society, the declaring of the publick Will, are excluded from it, and others uſurp the place, who have no ſuch Authority or Delegation.

213. This being uſually brought about by ſuch, in the Commonwealth, who miſ-uſe the Power they have: It is hard to conſider it aright, and know at whoſe door to lay it, without knowing the Form of Government in which it happens. Let us ſuppoſe then the Legiſlative placed in the Concurrence of three diſtinct Perſons. *Firſt*, A ſingle, hereditary Perſon having the conſtant, ſupream, executive Power, and, with it, the Power of convoking, and diſſolving the other two, within certain Periods of Time. *Secondly*, An Aſſemby of hereditary Nobility. *Thirdly*, An Aſſembly of Repreſentatives choſen, *pro tempore*, by the People: Such a Form of Government ſuppoſed, it is evident,

214. *Firſt*, That when ſuch a ſingle Perſon, or Prince ſets up his own Arbitrary Will, in place of the Laws, which are the Will of the Society, declared by the Legiſlative, then the Legiſlative is changed. For that being, in effect, the

Legiſlative whoſe Rules and Laws are put in execution, and required to be obeyed, when other Laws are ſet up, and other Rules pretended and inforced, than what the Legiſlative, conſtituted by the Society, have enacted, 'tis plain that the Legiſlative is changed. Who-ever introduces new Laws, not being thereunto authorized, by the fundamental Appointment of the Society, or ſubverts the old, diſowns and overturns the Power, by which they were made, and ſo ſets up a new Legiſlative.

215. *Secondly*, When the Prince hinders the Legiſlative from aſſembling in its due time, or from acting freely, purſuant to thoſe ends for which it was conſtituted, the Legiſlative is altered. For 'tis not a certain number of Men, no, nor their meeting, unleſs they have alſo Freedom of debating, and Leiſure of perfecting what is for the good of the Society, wherein the Legiſlative conſiſts, when theſe are taken away, or altered, ſo as to deprive the Society, of the due exerciſe of their Power, the Legiſlative is truly altered. For it is not Names that conſtitute Governments, but the uſe and exerciſe of thoſe Powers that were intended to accompany them: ſo that he who takes away the Freedom, or hinders the acting of

of the Legiſlative in its due ſeaſons, in effect takes away the Legiſlative, and puts an end to the Government.

216. *Thirdly*, When, by the Arbitrary Power of the Prince, the Electours, or ways of Election are altered, without the Conſent, and contrary to the common Intereſt of the People, there alſo the Legiſlative is altered. For if others, then thoſe whom the Society hath authorized thereunto, do chuſe, or in another way than what the Society hath preſcribed, thoſe choſen are not the Legiſlative appointed by the People.

217. *Fourthly*, The delivery alſo of the People into the ſubjection of a foreign Power, either by the Prince, or by the Legiſlative, is certainly a change of the Legiſlative, and ſo a Diſſolution of the Government. For the end, why People entered into Society, being to be preſerved one intire, free, independent Society, to be governed by its own Laws; this is loſt when-ever they are given up into the Power of another.

218. Why, in ſuch a Conſtitution as this, the Diſſolution of the Government, in theſe Caſes, is to be imputed to the Prince, is evident, becauſe he having the Force, Treaſure, and Offices of the State, to imploy, and often perſwading himſelf,

or being flattered by others, that as ſupreme Magiſtrate, he is uncapable of controul; he alone is in a Condition to make great Advances toward ſuch Changes, under pretence of lawful Authority, and has it in his hands to terrifie, or ſuppreſs Oppoſers, as factious, ſeditious, and Enemies to the Government: whereas no other part of the Legiſlative, or People, is capable, by themſelves, to attempt any alteration of the Legiſlative, without open and viſible Rebellion, apt enough to be taken notice of; which, when it prevails, produces Effects very little different from foreign Conqueſt. Beſides the Prince, in ſuch a Form of Government, having the Power of diſſolving the other Parts of the Legiſlative, and thereby rendring them private Perſons, they can never, in oppoſition to him, or without his Concurrence, alter the Legiſlative by a Law; his Conſent being neceſſary to give any of their Decrees that Sanction. But yet ſo far as the other parts of the Legiſlative any way contribute to any attempt upon the Government, and do either promote, or not, what lies in them, hinder ſuch deſigns, they are guilty, and partake in this, which is certainly the greateſt Crime Men can be guilty of one towards another.

219. There

219. There is one way more, whereby ſuch a Government may be diſſolved, and that is; When he, who has the ſupreme, executive Power, neglects, and abandons that charge, ſo that the Laws, already made, can no longer be put in execution. This is demonſtratively to reduce all to Anarchy, and ſo effectually to diſſolve the Government. For Laws not being made for themſelves, but to be, by their execution, the Bonds of the Society, to keep every part of the Body Politick in its due place, and function. When that totally ceaſes, the Government viſibly ceaſes, and the People become a confuſed Multitude, without Order or Connexion. Where there is no longer the adminiſtration of Juſtice, for the ſecuring of Mens Rights; nor any remaining Power within the Community to direct the Force, or provide for the Neceſſities of the publick; there certainly is no Government left. Where the Laws cannot be executed it is all one as if there were no Laws; and a Government without Laws, is, I ſuppoſe, a Myſtery in Politicks, unconceivable to humane Capacity, and inconſiſtent with humane Society.

220. In theſe, and the like Caſes, when the Government is diſſolved, the People are at liberty to provide for themſelves,

by erecting a new Legiſlative, differing from the other, by the change of Perſons, or Form, or both, as they ſhall find it moſt for their ſafety and good. For the Society can never, by the fault of another, loſe the native and original Right it has to preſerve it ſelf; which can only be done by a ſetled Legiſlative, and a fair and impartial execution of the Laws made by it. But the ſtate of Mankind is not ſo miſerable, that they are not capable of uſing this Remedy, till it be too late to look for any. To tell People they may provide for themſelves, by erecting a new Legiſlative; when, by Oppreſſion, Artifice, or being delivered over to a foreign Power, their old one is gone, is only to tell them, they may expect Relief, when it is too late, and the evil is paſt Cure. This is, in Effect, no more, than to bid them, firſt be Slaves, and then to take care of their Liberty; and, when their Chains are on, tell them, they may act like Free-men. This, if barely ſo, is rather Mockery than Relief, and Men can never be ſecure from Tyranny, if there be no means to eſcape it, till they are perfectly under it: And therefore it is, that they have not only a Right to get out of it, but to prevent it.

221. There

221. There is therefore Secondly another way, whereby Governments are diſſolved; and that is, when the Legiſlative, or the Prince, either of them act contrary to their Truſt.

Firſt, The Legiſlative acts againſt the Truſt repoſed in them, when they endeavour to invade the Property of the Subject, and to make themſelves, or any part of the Community, Maſters, or Arbitrary Diſpoſers of the Lives, Liberties, or Fortunes of the People.

222. The Reaſons why Men enter into Society, is the preſervation of their Property; and the end why they chuſe, and authorize a Legiſlative, is, that there may be Laws made, and Rules ſet, as Guards and Fences to the Properties of all the Society, to limit the Power, and moderate the Dominion of every Part and Member of the Society. For ſince it can never be ſuppoſed to be the Will of the Society, that the Legiſlative ſhould have a Power to deſtroy that which every one deſigns to ſecure, by entering into Society, and for which the People ſubmitted themſelves to Legiſlators of their own making; whenever the Legiſlators endeavour to take away, and deſtroy the Poperty of the People, or to reduce them to Slavery, under Arbitrary Power, they put themſelves into

to a ſtate of War with the People, who are thereupon abſolved from any farther Obedience, and are left to the common Refuge, which God hath provided for all Men, againſt Force and Violence. Whenſoever therefore the Legiſlative ſhall tranſgreſs this fundamental Rule of Society; and either by Ambition, Fear, Folly or Corruption, endeavour to graſp themſelves, or put into the hands of any other, an Abſolute Power, over the Lives, Liberties, and Eſtates of the People: by this breach of Truſt they forfeit the Power, the People had put into their hands, for quite contrary ends, and it devolves to the People; who have a Right to reſume their original Liberty, and, by the Eſtabliſhment of a new Legiſlative (ſuch as they ſhall think fit) provide for their own Safety and Security, which is the end for which they are in Society. What I have ſaid here, concerning the Legiſlative, in general, holds true alſo concerning the ſupreme Executor, who having a double Truſt put in him, both to have a part in the Legiſlative; and the ſupreme Execution of the Law, acts againſt both, when he goes about to ſet up his own Arbitrary Will, as the Law of the Society. He acts alſo contrary to his Truſt, when he imploys the Force, Treaſure, and Offices of the Society,

Society, to corrupt the Repreſentatives, and gain them to his purpoſes: when he openly pre-ingages the Electors, and preſcribes, to their choice, ſuch, whom he has, by Sollicitation, Threats, Promiſes, or othewiſe, won to his deſigns; and imploys them to bring in ſuch, who have promiſed before-hand what to vote, and what to enact. Thus to regulate Candidates and Electors, and new model the ways of Election, what is it, but to cut up the Government by the Roots, and poiſon the very Fountain of publick Security? For the People having reſerved to themſelves the Choice of their Repreſentatives, as the Fence to their Properties, could do it for no other end, but that they might always be freely choſen, and ſo choſen, freely act and adviſe, as the neceſſity of the Commonwealth, and the publick Good ſhould, upon examination, and mature debate, be judged to require. This, thoſe who give their Votes before they hear the Debate, and have weighed the Reaſons on all ſides, are not capable of doing. To prepare ſuch an Aſſembly as this, and endeavour to ſet up the declared Abettors of his own Will, for the true Repreſentatives of the People, and the Law-makers of the Society, is certainly as great a breach of truſt, and as perfect

fect a Declaration of a deſign to ſubvert the Government, as is poſſible to be met with. To which, if one ſhall add rewards and puniſhments viſibly imploy'd to the ſame end, and all the arts of perverted Law made uſe of to take off and deſtroy all that ſtand in the way of ſuch a deſign, and will not comply and conſent to betray the Liberties of their Country, 'twill be paſt doubt what is doing. What Power they ought to have in the Society who thus imploy it contrary to the truſt went along with it in its firſt Inſtitution, is eaſy to determine; and one cannot but ſee, that he who has once attempted any ſuch thing as this, cannot any longer be truſted.

223. To this perhaps it will be ſaid, that the People being ignorant and always diſcontented; to lay the Foundation of Government in the unſteady opinion and uncertain humour of the People, is to expoſe it to certain ruin: and no Government will be able long to ſubſiſt, if the People may ſet up a new Legiſlative whenever they take offence at the old one. To this I Anſwer quite the contrary. People are not ſo eaſily got out of their old Forms as ſome are apt to ſuggeſt. They are hardly to be prevailed with to amend the acknowledg'd Faults in the Frame they have been accuſtom'd

accuſtom'd to. And if there be any original defects, or adventitious ones introduced by time or corruption; 'tis not an eaſy thing to get them changed, even when all the World ſees there is an opportunity for it. This flowneſs and averſion in the People to quit their old Conſtitutions, has in the many Revolutions have been ſeen in this Kingdom, in this and former Ages, ſtill kept us to, or after ſome interval of fruitleſs attempts, ſtill brought us back again to our old Legiſlative of King, Lords and Commons: and whatever provocations have made the Crown be taken from ſome of our Princes Heads, they never carried the people ſo far as to place it in another Line.

224. But 'twill be ſaid, this Hypotheſis lays a ferment for frequent Rebellion. To which I Anſwer,

Firſt, No more than any other Hypotheſis. For when the People are made miſerable, and find themſelves expoſed to the ill uſage of Arbitrary Power; cry up their Governours as much as you will for Sons of *Jupiter*, let them be Sacred and Divine, deſcended or authoriz'd from Heaven; give them out for whom or what you pleaſe, the ſame will happen. The People generally ill treated, and contrary to right, will be ready upon any occaſion to eaſe themſelves of a burden that ſits heavy

heavy upon them. They will wiſh and ſeek for the opportunity, which in the change, weakneſs and accidents of human affairs ſeldom delays long to offer it ſelf. He muſt have lived but a little while in the World, who has not ſeen Examples of this in his time; and he muſt have read very little, who cannot produce Examples of it in all ſorts of Governments in the World.

225. Secondly, I Anſwer, ſuch Revolutions happen not upon every little miſmanagement in publick affairs. Great miſtakes in the ruling part, many wrong and inconvenient Laws, and all the ſlips of human frailty will be born by the People, without mutiny or murmur. But if a long train of Abuſes, Prevarications and Artifices, all tending the ſame way, make the deſign viſible to the People, and they cannot but feel what they lye under, and ſee whither they are going; 'tis not to be wonder'd that they ſhould then rouze themſelves, and endeavour to put the rule into ſuch hands which may ſecure to them the ends for which Government was at firſt erected; and without which, ancient Names and ſpecious Forms, are ſo far from being better, that they are much worſe than the ſtate of Nature, or pure Anarchy; the inconveniencies being all as

as great and as near, but the remedy farther off and more difficult.

226. Thirdly, I Anſwer, that this Power in the People of providing for their ſafety anew, by a new Legiſlative, when their Legiſlators have acted contrary to their truſt, by invading their Property, is the beſt fence againſt Rebellion, and the probableſt means to hinder it. For Rebellion being an Oppoſition, not to Perſons but Authority, which is founded only in the Conſtitutions and Laws of the Government; thoſe, whoever they be, who by force break through, and by force jnſtify their violation of them, are truly and properly Rebels. For when Men by entering into Society and civil Government, have excluded force, and introduced Laws for the preſervation of Property, Peace and Unity amongſt themſelves; thoſe who ſet up force again in oppoſition to the Laws, do *rebellare*, that is, bring back again the ſtate of War, and are properly Rebels: which they who are in Power, by the pretence they have to Authority, the temptation of force they have in their hands, and the Flattery of thoſe about them being likelieſt to do; the propereſt way to prevent the evil, is to ſhew them the danger and injuſtice of it, who are under the greateſt temptation to run into it.

227. In

227. In both the forementioned Caſes, when either the Legiſlative is changed, or the Legiſlators act contrary to the end for which they were conſtituted; thoſe who are guilty are guilty of Rebellion. For if any one by force takes away the eſtabliſh'd Legiſlative of any Society, and the Laws by them made, purſuant to their truſt, he thereby takes away the Umpirage which every one had conſented to, for a peaceable deciſion of all their Controverſies, and a bar to the ſtate of War amongſt them. They who remove, or change the Legiſlative, take away this deciſive power, which no Body can have but by the appointment and conſent of the People; and ſo deſtroying the Authority which the People did, and no Body elſe can ſet up, and introducing a Power which the People hath not authoriz'd; actually introduce a ſtate of War, which is, that of Force without Authority: and thus by removing the Legiſlative eſtabliſh'd by the Society, in whoſe deciſions the People acquieſced and united, as to that of their own will; they unty the Knot, and expoſe the People anew to the ſtate of War. And if thoſe, who by force take away the Legiſlative, are Rebels, the Legiſlators themſelves, as has been ſhewn, can be no leſs eſteemed ſo; when they who were

ſet

ſet up for the protection and preſervation of the People, their Liberties and Properties, ſhall by force invade and indeavour to take them away; and ſo they, putting themſelves into a ſtate of War with thoſe who made them the Protectors and Guardians of their Peace, are properly, and with the greateſt aggravation, *Rebellantes* Rebels.

228. But if they who ſay it lays a foundation for Rebellion, mean that it may occaſion civil Wars, or inteſtine Broils, to tell the People they are abſolved from Obedience, when illegal attempts are made upon their Liberties or Properties, and may oppoſe the unlawful violence of thoſe who were their Magiſtrates when they invade their Properties, contrary to the truſt put in them; and that therefore this Doctrine is not to be allow'd, being ſo deſtructive to the Peace of the World. They may as well ſay upon the ſame ground, that honeſt Men may not oppoſe Robbers or Pirats, becauſe this may occaſion diſorder or bloodſhed. If any miſchief come in ſuch Caſes, it is not to be charged upon him who defends his own right, but on him that invades his Neighbours. If the innocent honeſt Man, muſt quietly quit all he has for Peace ſake, to him who will lay violent hands upon it,

I desire it may be consider'd, what a kind of Peace there will be in the World, which consists only in Violence and Rapine; and which is to be maintain'd only for the benefit of Robbers and Oppressors. Who would not think it an admirable Peace betwixt the Mighty and the Mean, when the Lamb, without resistance, yielded his Throat to be torn by the imperious Wolf? *Polyphemus*'s Den gives us a perfect Pattern of such a Peace. Such a Government wherein *Ulysses* and his Companions had nothing to do, but quietly to suffer themselves to be devour'd. And no doubt, *Ulysses*, who was a prudent Man, preach'd up Passive Obedience, and exhorted them to a quiet Submission, by representing to them of what concernment Peace was to Mankind; and by shewing the inconveniencies might happen, if they should offer to resist *Polyphemus*, who had now the Power over them.

229. The end of Government is the good of Mankind, and which is best for Mankind, that the People should be always expos'd to the boundless will of Tyranny, or that the Rulers should be sometimes liable to be oppos'd, when they grow exorbitant in the use of their Power, and imploy it for the destruction, and not the preservation of the Properties of their People? 230. Nor

230. Nor let any one ſay, that miſchief can ariſe from hence, as often as it ſhall pleaſe a buſy head or turbulent ſpirit to deſire the alteration of the Government. 'Tis true, ſuch Men may ſtir whenever they pleaſe, but it will be only to their own juſt ruin and perdition. For till the miſchief be grown general, and the ill deſigns of the Rulers become viſible, or their attempts ſenſible to the greater part, the People, who are more diſpoſed to ſuffer, than right themſelves by Reſiſtance, are not apt to ſtir. The examples of particular Injuſtice, or Oppreſſion of here and there an unfortunate Man, moves them not. But if they univerſally have a perſwaſion grounded upon manifeſt evidence, that deſigns are carrying on againſt their Liberties, and the general courſe and tendency of things cannot but give them ſtrong ſuſpicions of the evil intention of their Governours, who is to be blamed for it? Who can help it, if they, who might avoid it, bring themſelves into this ſuſpicion? Are the People to be blamed, if they have the ſence of rational Creatures, and can think of things no otherwiſe than as they find and feel them? And is it not rather their fault who put things in ſuch a poſture that they would not have them thought as they

are? I grant, that the Pride, Ambition, and Turbulency of private Men have ſometimes cauſed great Diſorders in Commonwealths, and Factions have been fatal to States and Kingdoms. But whether the miſchief hath oftner began in the Peoples Wantonneſs, and a Deſire to caſt off the lawful Authority of their Rulers; or in the Rulers Inſolence, and Endeavours to get, and exerciſe an Arbitrary Power over their People; whether Oppreſſion, or Diſobedience gave the firſt riſe to the Diſorder, I leave it to impartial Hiſtory to determine. This I am ſure, who-ever, either Ruler or Subject, by force goes about to invade the Rights of either Prince or People, and lays the foundation for overturning the Conſtitution and Frame of any Juſt Government; he is guilty of the greateſt Crime, I think, a Man is capable of, being to anſwer for all thoſe miſchiefs, of Blood, Rapine, and Deſolation, which the breaking to pieces of Governments bring on a Countrey. And he, who does it, is juſtly to be eſteemed the common Enemy and Peſt of Mankind; and is to be treated accordingly.

231. That Subjects or Foreigners attempting by force, on the Properties of any People, may be reſiſted with force, is agreed on all hands. But that Magiſtrates, doing

doing the ſame thing, may be reſiſted, hath of late been denied: As if thoſe who had the greateſt Priviledges and Advantages by the Law, had thereby a Power to break thoſe Laws, by which alone they were ſet in a better place than their Brethren: whereas their Offence is thereby the greater, both as being ungrateful for the greater ſhare they have by the Law, and breaking alſo that Truſt which is put into their hands by their Brethren.

232. Whoſoever uſes force without Right, as every one does in Society, who does it without Law; puts himſelf into a ſtate of War with thoſe, againſt whom he ſo uſes it, and in that ſtate all former Ties are cancelled, all other Rights ceaſe, and every one has a Right to defend himſelf, and to reſiſt the Aggreſſour. This is ſo evident, that *Barclay* himſelf, that great Aſſertor of the Power and Sacredneſs of Kings, is forced to confeſs, That it is lawful for the People, in ſome Caſes, to reſiſt their King; and that too in a Chapter, wherein he pretends to ſhew that the Divine Law ſhuts up the People from all manner of Rebellion. Whereby it is evident, even by his own Doctrine, that, ſince they may, in ſome Caſes, reſiſt, all reſiſting of Princes is not Rebellion.

His Words are theſe. *Quod ſiquis dicat, Ergone populus tyrannicæ crudelitati & furori jugulum ſemper præbebit? Ergone multitudo civitates ſuas fame, ferro, & flammâ vaſtari, ſeque, conjuges, & liberos fortunæ ludibrio & tyranni libidini exponi, inque omnia vitæ pericula omneſque miſerias & moleſtias à Rege deduci patientur? Num illis quod omni animantium generi eſt à naturâ tributum, denegari debet, ut ſc. vim vi repellant, ſeſeq; ab injuriâ tueantur? Huic breviter reſponſum ſit, Populo univerſo negari defenſionem, quæ juris naturalis eſt, neque ultionem quæ præter naturam eſt adverſus Regem concedi debere. Quapropter ſi Rex non in ſingulares tantum perſonas aliquot privatum odium exerceat, ſed corpus etiam Reipublicæ, cujus ipſe caput eſt,* i.e. *totum populum, vel inſignem aliquam ejus partem immani & intolerandâ ſævitiâ ſeu tyrannide divexet; populo, quidem hoc caſu reſiſtendi ac tuendi ſe ab injuriâ poteſtas competit, ſed tuendi ſe tantum, nonenim in principem invadendi: & reſtituendæ injuriæ illatæ, non recedendi à debitâ reverentiâ propter acceptam injuriam. Præſentem denique impetum propulſandi non vim præteritam ulciſcendi jus habet. Horum enim alterum à naturâ eſt, ut vitam ſcilicet corpuſq; tueamur. Alterum vero contra naturam, ut inferior de ſuperiori ſupplicium ſumat. Quod itaque populus malum, antequam factum ſit, impedire poteſt,*

poteſt, ne fiat, id poſtquam factum eſt, in Regem authorem ſceleris vindicare non poteſt: populus igitur hoc amplius quam privatus quiſpiam habet: Quod huic, vel ipſis adverſariis judicibus, excepto Buchanano, nullum niſi in patientia remedium ſupereſt. Cùm ille ſi intolerabilis tyrannis eſt (moditum enim ferre omnino debet) reſiſtere cum reverentiâ poſſit, Barclay *contra Monarchom.* l. 3. c. 8. In Engliſh thus:

233. 'But if any one ſhould ask, Muſt 'the People then always lay themſelves 'open to the Cruelty and Rage of Ty- 'ranny? Muſt they ſee their Cities pilla- 'ged, and laid in aſhes, their Wives and 'Children expoſed to the Tyrant's Luſt, 'and Fury, and themſelves and Families 'reduced, by their King, to Ruine, and 'all the Miſeries of Want and Oppreſſi- 'on, and yet ſit ſtill? Muſt Men alone 'be debarred the common Priviledge of 'oppoſing force with force, which Nature 'allows ſo freely to all other Creatures, 'for their preſervation from Injury? I 'anſwer: Self-defence is a part of the 'Law of Nature; nor can it be denied 'the Community, even againſt the King 'himſelf: but to revenge themſelves upon 'him, muſt by no means, be allowed 'them; it being not agreeable to that 'Law. Wherefore if the King ſhall ſhew

'an hatred, not only to ſome particular 'Perſons, but ſets himſelf againſt the 'Body of the Commonwealth, whereof 'he is the Head, and ſhall, with intolera-'ble ill uſage, cruelly tyrannize over the 'whole, or a conſiderable part of the 'People; in this caſe, the People have 'a right to reſiſt and defend themſelves 'from Injury: but it muſt be with this 'Caution, that they only defend them-'ſelves, but do not attack their Prince: 'They may repair the Damages re-'ceived, but muſt not, for any provo-'cation, exceed the bounds of due Re-'verence and Reſpect. They may re-'pulſe the preſent attempt, but muſt not 'revenge paſt violences. For it is natu-'ral for us to defend Life and Limb, but 'that an Inferiour ſhould puniſh a Superi-'our is againſt Nature. The miſchief 'which is deſigned them, the People may 'prevent before it be done, but when it is 'done, they muſt not revenge it on the 'King, though Author of the Villany. 'This therefore is the Priviledge of the 'People in general, above what any pri-'vate Perſon hath; That particular Men 'are allowed, by our Adverſaries them-'ſelves, (*Buchanan* only excepted) to have 'no other Remedy but Patience; but the 'Body of the People may, with Reſpect,

'reſiſt

'reſiſt intolerable Tyranny; for when it is 'but moderate, they ought to endure it.

234. Thus far that great Advocate of Monarchical Power allows of Reſiſtance.

235. 'Tis true, he has annexed two Limitations to it, to no purpoſe;

Firſt, He ſays, it muſt be with Reverence.

Secondly, It muſt be without Retribution, or Puniſhment; and the Reaſon he gives, is, *Becauſe an Inferiour cannot puniſh a Superiour.*

Firſt, How to reſiſt Force without ſtriking again, or how to ſtrike with Reverence, will need ſome Skill to make intelligible. He that ſhall oppoſe an Aſſault only with a Shield to receive the Blows, or in any more reſpectful Poſture, without a Sword in his hand, to abate the Confidence and Force of the Aſſailant, will quickly be at an end of his Reſiſtance, and will find ſuch a defence ſerve only to draw on himſelf the worſe uſage. This is as ridiculous a way of reſiſting, as *Juvenal* thought it of fighting; *ubi tu pulſas, ego vapulo tantum.* And the Succeſs of the Combat, will be unavoidably the ſame he there deſcribes it:

——— *Libertas pauperis hæc eſt:*
Pulſatus rogat, & pugnis conciſus, adorat,
Ut liceat paucis cum dentibus inde reverti.

This

This will always be the event of ſuch an imaginary Reſiſtance, where Men may not ſtrike again. He therefore who may reſiſt, muſt be allowed to ſtrike. And then let our Author, or any Body elſe, join a Knock on the Head, or a Cut on the Face, with as much Reverence, and Reſpect as he thinks fit. He that can reconcile Blows and Reverence, may, for ought I know, deſerve for his pains, a Civil, Reſpectful Cudgelling, where-ever he can meet with it.

Secondly, As to his Second, *An Inferiour cannot puniſh a Superiour*; that's true, generally ſpeaking, whilſt he is his Superiour. But to reſiſt Force with Force, being the State of War, that levells the Parties, cancels all former relation of Reverence, Reſpect, andSuperiority: and then the odds, that remains, is, That he, who oppoſes the unjuſt Aggreſſour, has this Superiority over him, that he has a Right, when he prevails, to puniſh the Offender, both for the Breach of the Peace, and all the Evils that followed upon it. *Barclay* therefore, in another place, more coherently to himſelf, denies it to be lawful to reſiſt a King in any Caſe. But he there aſſigns Two Caſes, whereby a King may Un-king himſelf. His Words are,

Quid

Quid ergo, nulline casus incidere possunt quibus populo sese erigere atq; in Regem impotentius dominantem arma capere & invadere jure suo suâq; authoritate liceat? Nulli certe quamdiu Rex manet. Semper enim ex divinis id obstat, Regem honorificato; & qui potestati resistit, Dei ordinationi resistit: *Non aliàs igitur in eum populo potestas est quam si id committat propter quod ipso jure rex esse desinat. Tunc enim se ipse principatu exuit atq; in privatis constituit liber: hoc modo populus & superior efficitur, reverso ad eum sc. jure illo quod ante regem inauguratum in interregno habuit. At sunt pautorum generum commissa ejusmodi quæ hunc effectum pariunt. At ego cum plurima animo perlustrem, duo tantum invenio, duos, inquam, casus quibus rex ipso facto ex Rege non regem se facit & omni honore & dignitate regali atq; in subditos potestate destituit; quorum etiam meminit* Winzerus. *Horum unus est, Si regnum disperdat, quemadmodum de Nerone fertur, quod is nempe senatum populumq; Romanum, atq; adeo urbem ipsam ferro flammaq; vastare, ac novas sibi sedes quærere decrevisset. Et de Caligula, quod palam denunciarit se neq; civem neq; principem senatui amplius fore, inq; animo habuerit, interempto utriusq; ordinis Electissimo quoq;* Alexandriam *commigrare, ac ut populum uno ictu interimeret, unam ei cervicem optavit. Talia cum rex aliquis meditatur*

tatur & molitur ſerio, omnem regnandi curam & animum ilico abjicit, ac proinde imperium in ſubditos amittit, ut dominus ſervi pro derelicto habiti, dominium.

236. *Alter caſus eſt, Si rex in alicujus clientelam ſe contulit, ac regnum quod liberum à majoribus & populo traditum accepit, alienæ ditioni mancipavit. Nam tunc quamvis forte non eâ mente id agit populo plane ut incommodet: tamen quia quod præcipuum eſt regiæ dignitatis amiſit, ut ſummus ſcilicet in regno ſecundum Deum ſit, & ſolo Deo inferior, atq; populum etiam totum ignorantem vel invitum, cujus libertatem ſartam & tectam conſervare debuit, in alterius gentis ditionem & poteſtatem dedidit; hâc velut quadam regni abalienatione effecit, ut nec quod ipſe in regno imperium habuit retineat, nec in eum cui collatum voluit, juris quicquam transferat; atq; ita eo facto liberum jam & ſuæ poteſtatis populum relinquit, cujus rei exemplum unum annales Scotici ſuppeditant.* Barclay contra Monarchom. l. 3. c. 16. which may be thus Engliſhed.

237. 'What then, Can there no Caſe 'happen wherein the people may of right, 'and by their own Authority, help themſelves, take Arms, and ſet upon their 'King, imperiouſly domineering over 'them? None at all, whilſt he remains a 'King. *Honour the King*, and *he that reſiſts the Power*,

'*Power, reſiſts the Ordinance of God*; are di-
'vine Oracles that will never permit it. The
'People therefore can never come by a
'Power over him, unleſs he does ſome-
'thing that makes him ceaſe to be a King.
'For then he diveſts himſelf of his Crown
'and Dignity, and returns to the ſtate of
'a private Man, and the People become
'free and ſuperiour; the Power which
'they had in the *Interregnum*, before they
'Crown'd him King, devolving to them
'again. But there are but few miſcarria-
'ges which bring the matter to this ſtate.
'After conſidering it well on all ſides, I
'can find but two. Two Caſes there are,
'I ſay, whereby a King, *ipſo facto*, be-
'comes no King, and loſes all Power
'and Regal Authority over his People;
'which are alſo taken notice of by *Winze-*
'*rus*. The firſt is, if he indeavour to over-
'turn the Government, that is, if he have
'a purpoſe and deſign to ruin the King-
'dom and Commonwealth, as it is recor-
'ded of *Nero*, that he reſolved to cut off
'the Senate and People of *Rome*, lay the
'City waſt with Fire and Sword, and then
'remove to ſome other place. And of *Ca-*
'*ligula*, that he openly declar'd, that he
'would be no longer a head to the People
'or Senate, and that he had it in his
'thoughts to cut off the worthieſt Men of
'both

'both Ranks, and then retire to *Alexandria*: and he wiſht that the People had 'but one Neck, that he might diſpatch 'them all at a blow. Such deſigns as theſe, 'when any King harbours in his thoughts, 'and ſeriouſly promotes, he immediately 'gives up all care and thought of the Commonwealth; and conſequently forfeits 'the Power of Governing his Subjects, as 'a Maſter does the dominion over his 'Slaves whom he hath abandon'd.

238. 'The other Caſe is, When a King 'makes himſelf the dependent of another, 'and ſubjects his Kingdom which his Anceſtors left him, and the People put free 'into his hands, to the Dominion of another. For however perhaps it may not 'be his intention to prejudice the People; 'yet becauſe he has hereby loſt the principal part of Regal Dignity, *viz.* to be 'next and immediately under God, Supream in his Kingdom; and alſo becauſe 'he betray'd or forced his People, whoſe 'liberty he ought to have carefully preſerved, into the Power and Dominion of a 'Foreign Nation. By this as it were alienation of his Kingdom, he himſelf loſes 'the Power he had in it before, without 'transferring any the leaſt right to thoſe 'on whom he would have beſtowed it; 'and ſo by this act ſets the People free,

'and

'and leaves them at their own diſpoſal. 'One Example of this is to be found in the 'Scotch Annals.

239. In theſe Caſes *Barclay*, the great Champion of Abſolute Monarchy, is forced to allow, That a King may be reſiſted, and ceaſes to be a King. That is in ſhort, not to multiply Caſes: In whatſoever he has no Authority, there he is no King, and may be reſiſted: For whereſoever the Authority ceaſes, the King ceaſes too, and becomes like other Men who have no Authority. And theſe two Caſes he inſtances in, differ little from thoſe above mention'd, to be deſtructive to Governments, only that he has omitted the Principle from which his Doctrine flows; and that is, The breach of truſt, in not preſerving the Form of Government agreed on, and in not intending the end of Government it ſelf; which is the publick good and preſervation of Property. When a King has Dethron'd himſelf, and put himſelf in a ſtate of War with his People, what ſhall hinder them from proſecuting him who is no King, as they would any other Man, who has put himſelf into a ſtate of War with them. *Barclay*, and thoſe of his Opinion, would do well to tell us. *Bilſon*, a Biſhop of our Church, and a great Stickler for the Power and Prerogative of Princes,

ces, does, if I miſtake not, in his Treatiſe of *Chriſtian Subjection*, acknowledge, That Princes may forfeit their Power, and their title, to the Obedience of their Subjects; and if there needed authority in a Caſe where reaſon is ſo plain, I could ſend my Reader to *Bracton*, *Forteſcue*, and the Author of the Mirror, and others, Writers, that cannot be ſuſpected to be ignorant of our Government, or Enemies to it. But I thought *Hooker* alone might be enough to ſatisfie thoſe Men, who relying on him for their Eccleſiaſtical Polity, are by a ſtrange fate carried to deny thoſe Principles upon which he builds it. Whether they are herein made the Tools of Cunninger Workmen, to pull down their own Fabrick, they were beſt look. This I am ſure, their civil Policy is ſo new, ſo dangerous, and ſo deſtructive to both Rulers and People, that as former Ages never could bear the broaching of it; ſo it may be hoped, thoſe to come, redeem'd from the Impoſitions of theſe *Egyptian* Under-Taskmaſters, will abhor the Memory of ſuch ſervile Flatterers, who whilſt it ſeem'd to ſerve their turn, reſolv'd all Government into abſolute Tyranny, and would have all Men born to what their mean Souls fitted them, Slavery.

240. Here,

240. Here, 'tis like, the common Queſtion will be made, who ſhall be Judge whether the Prince, or Legiſlative, act contrary to their Truſt? This, perhaps, ill-affected, and factious Men may ſpread amongſt the People, when the Prince only makes uſe of his due Prerogative. To this I reply; The People ſhall be Judge; for who ſhall be Judge whether his Truſtee or Deputy acts well, and according to the Truſt repoſed in him, but he who deputes him, and muſt, by having deputed him; have ſtill a Power to diſcard him, when he fails in his Truſt? If this be reaſonable, in particular Caſes of private Men, why ſhould it be otherwiſe in that of the greateſt moment, where the Welfare of Millions is concerned, and alſo where the evil, if not prevented, is greater, and the Redreſs very difficult, dear, and dangerous?

241. But farther, this Queſtion, (Who ſhall be Judge?) cannot mean, that there is no Judge at all. For where there is no Judicature on Earth, to decide Controverſies amongſt Men, God in Heaven is Judge. He alone, 'tis true, is Judge of the Right. But every Man is Judge for himſelf, as in all other Caſes, ſo in this, whether another hath put himſelf into a State of War with him, and whether he

ſhould appeal to the Supreme Judge, as *Jephtha* did.

242. If a Controverſie ariſe betwixt a Prince, and ſome of the People, in a matter where the Law is ſilent, or doubtful, and the thing be of great Conſequence, I ſhould think, the proper Umpire, in ſuch a Caſe, ſhould be the Body of the People. For in Caſes, where the Prince hath a Truſt repoſed in him, and is diſpenſed from the common, ordinary Rules of the Law; there, if any Men find themſelves aggrieved, and think the Prince acts contrary to, or beyond that Truſt, who ſo proper to judge, as the Body of the People, (who, at firſt, lodg'd that Truſt in him) how far they meant it ſhould extend? But if the Prince, or who-ever they be in the Adminiſtration, decline that way of Determination, the Appeal then lies no where but to Heaven. Force between either Perſons, who have no known Superiour on Earth, or which permits no Appeal to a Judge on Earth, being properly a State of War, wherein the Appeal lies only to Heaven, and in that State the injured Party muſt judge for himſelf, when he will think fit to make uſe of that Appeal, and put himſelf upon it.

243. To conclude, The Power that every

very individual gave the Society, when he entered into it, can never revert to the Individuals again, as long as the Society lasts, but will always remain in the Community; because without this, there can be no Community, no Commonwealth, which is contrary to the original Agreement: so also when the Society hath placed the Legislative in any Assembly of Men, to continue in them and their Successors, with Direction and Authority for providing such Successors, the Legislative can never revert to the People whilst that Government lasts: Because having provided a Legislative with Power, to continue for ever, they have given up their Political Power to the Legislative, and cannot resume it. But if they have set Limits to the Duration of their Legislative, and made this Supreme Power, in any Person, or Assembly, only temporary: Or else when, by the Miscarriages of those in Authority, it is forfeited; upon the Forfeiture of their Rulers, or at the Determination of the Time set, it reverts to the Society, and the People have a Right to act as Supreme, and continue the Legislative in themselves, or place it in a new Form, or new hands, as they think good.

FINIS.